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STANDING COMMITTEE ON GENERAL GOVERNMENT

ORGANIZATION

THURSDAY, MAY 1, 1986



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G. R. (Dufferin-Simcoe PC)

VICE-CHAIRMAN: Dean, G. H. (Wentworth PC)

Bryden, M. H. (Beaches-Woodbine NDP)

Cousens, W. D. (York Centre PC)

Guindon, L. B. (Cornwall PC)

Hart, C. E. (York East L)

Henderson, D. J. (Humber L)

McKessock, R. (Grey L)

Newman, B. (Windsor-Walkerville L)

Pollock, J. (Hastings-Peterborough PC)

Pouliot, G. (Lake Nipigon NDP)

Substitution:

Treleaven, R. L. (Oxford PC) for Mr. Cousens

Clerk: Deller, D.



LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, May 1, 1986

The committee met at 10:12 a.m. in room 228.

ORGANIZATION

Clerk of the Committee: It is my duty to call upon you to elect a chairman. Are there any nominations?

Mr. Dean: I nominate George McCague, who knows everything about septic tanks.

Clerk of the Committee: Are there any further nominations? There being no further nominations, I declare nominations closed and Mr. McCague elected chairman.

Mr. Chairman: As those who have been on the committee for a while will know, I rather enjoy chairing this committee and the people who are on it. Thank you.

We need a vice-chairman.

Mr. Treleaven: Are you open for nominations Mr. Chairman? I am pleased to nominate Gordon Dean as vice-chairman.

Mr. Chairman: Mr. Dean has been nominated. Any further nominations? If not, I declare nominations closed and Mr. Dean elected as vice-chairman.

Mr. Dean: I am sure you would like me to give a five-minute address. I will tell you my address in five minutes.

Mr. Chairman: Mr. Dean, do you have a motion?

Mr. Dean: Yes. I move that unless otherwise ordered a transcript of all committee hearings be made.

Mr. Chairman: Any seconder? Ms. Bryden. Any discussion? All in favour? The motion is carried.

Clerk of the Committee: Do we want to set up a subcommittee today?

Mr. Chairman: The last time we dealt with this, we had a subcommittee of myself and one member from each of the other parties. Marion, are you on this committee?

Ms. Bryden: Yes, I am. What are we dealing with now?

Mr. Chairman: It is a subcommittee if anything has to be decided in a hurry.

Ms. Bryden: I see. A sort of steering committee.

Mr. Chairman: A steering committee.

Mr. Dean: I would suggest Ms. Bryden for the NDP.

Mr. Treleaven: Who is the permanent Liberal on this committee? Bernie, are you the permanent Liberal? You and I are on the procedural affairs committee. Do you want a motion that Gordon Dean, Marion Bryden and--

Mr. Dean: Not me, the chairman

Mr. Treleaven: No. On most subcommittees, it is usually the chairman and one member from from each party.

Clerk of the Committee: The subcommittee is composed of the chairman and one member of each party, including one from the same party the chairman belongs to. It works the same way as a full committee where the chairman does not vote on the subcommittee unless there is a problem.

Mr. Chairman: If I could make a suggestion, I would like to have one francophone on the committee because we are dealing with Bill 75 and we will be for some period of time.

Mr. McKessock: I nominate Jean Poirier.

Mr. Chairman: He is not on apparently. Ms. Bryden has been nominated and maybe Luc Guindon. The other one was McKessock, was it?

Mr. Dean: We should have somebody from the fruit district to provide apples.

Mr. Treleaven: Do you want to be on it.

Mr. Dean: No.

Mr. Chairman: Are you making a nomination, Mr. Treleaven?

Mr. Treleaven: Yes, I would nominate Ms. Bryden, Luc Guindon and --

Mr. McKessock: Christine Hart

Mr. Treleaven: -- Christine Hart, with the chairman, as the subcommittee.

Mr. Chairman: Carried. Sorry, I did not ask for a seconder

Clerk of the Committee: You do not need one.

Mr. Chairman: I do not need one? Okay.

Mr. Kessock: Whoe are the other two Liberals? Christine Hart, myself and who else?

Mr. Chairman: Henderson and Newman.

If we were to continue with what we were proposing when the comittee rose and reported or whatever, we would be on OISE and have Mr. Sorbara here next week. I think he has agreed to that. So I did not get caught, I would not sign this letter that Ms. Deller gave me a couple of days ago because I was not then the chairman.

Thursday morning is our set meeting time at 10 o'clock and Thursday afternoon if necessary.

Mr. Dean: Do you need a motion to agree to that?

Mr. Chairman: Perhaps I might go over what we might do with Mr. Sorbara next week and Mr. Nixon the week after.

Mr. Dean: Mr. Nixon again?

Mr. Chairman: That was the agreement, and then we will proceed to write a report. We will have a summary of our hearings prepared by research staff. Bob Gardner was in here earlier this morning. It will be available on May 15, following Mr. Nixon's dissertation. It will only be a summary, and then we might decide how we wish to proceed with writing the report. Does that seem like an agreeable agenda?

Ms. Bryden: We could do both of those things on May 15 then.

Mr. Chairman: Yes. That is open for discussion.

Ms. Bryden: How long are we going to ask Mr. Nixon to come for?

Mr. Chairman: I guess it would be normal to presume until we are done with him. Certainly, we will not get him for more than two hours.

Ms. Bryden: No, and we might need half an hour to talk about procedures for writing the report.

Mr. Chairman: Does that seem agreeable?

Ms. Bryden: Is the researcher going to give us some sort of a summary of the briefs before that?

Mr. Chairman: Yes. I do not think we will have it until May 15, but I will check with him.

10:20 a.m.

Mr. Bryden: It would be nice if we could have it a bit before so we could have some idea of what the magnitude of the job is, of reviewing the briefs and getting them into some sort of summary in the first part of the report.

Mr. Chairman: We will see if we can do that.

We need a motion that the committee request authority to travel to Montreal and Quebec City during the spring session, 1986, in order to investigate the implementation of English-language governance on both the public school boards and the Protestant separate school boards on May 22 and 23. We had this motion passed with all-party agreement prior to the reconstitution of the committee. Much of the work has been done on this, and from anything that I have heard, we are certainly encouraged to do this, to get some idea of how they have handled minority-language governance in Quebec. Would somebody care to make that motion?

Ms. Hart: I will move the motion.

Mr. Chairman: Every one in favour of that? Carried.

Mr. Pouliot: Has the itinerary been finalized? Are we firm on May 22 and 23?

Clerk of the Committee: We have a flight leaving here on the evening of May 21, but I cannot give you a time yet. The flight is on May 21 with meetings in Montreal on May 22. We leave Montreal that evening and meet in Quebec City on the 23rd and go from Quebec City back to Toronto on the evening of the 23rd.

Mr. Dean: A real fun trip.

Mr. Chairman: Can you report also on witnesses.

Clerk of the Committee: We have contacted people from the eastern and western regional school boards, Protestant separate school board, Catholic school board, and a gentleman by the name of David Wadsworth from the association of school boards. We have asked all these people to give us names of parent groups that we could speak to as well. We have not had a reply on that yet, and we have a gentleman from the Department of Education in Quebec.

Mr. Pouliot: Any word from Alliance Québec?

Clerk of the Committee: Nothing from Alliance Québec. Most of the people contacted were very receptive. If the person who has been contacted cannot be there, certainly in one case he has given a list of three names of his staff who will be there. When I say we have not heard anything from a particular group, usually that means they are going to be in touch but they are trying to organize themselves to those dates as well.

Mr. Pouliot: Am I to assume that the eastern townships, the Sherbrooke area--

Clerk of the Committee: The anglophone area.

Mr. Chairman: For those who were not here when it was decided to go to Quebec, each party was asked to submit names of people it thought we should contact. Dr. Allen did submit an extensive list and Ms. Deller has made extensive contacts.

Clerk of the Committee: Bill Davis also told me yesterday that he had a list that was being typed and his secretary called me last night. I am assuming the list will be on my desk today as well. I did not hear anything from the Liberal Party yet.

Mr. Chairman: Ms. Hart, you are elected, because you are on the subcommittee, to contact Jean Poirier. I think he would have a good idea of those we should see.

Clerk of the Committee: He was the member who said he would provide a list.

Mr. Chairman: Any other questions?

Mr. Dean: Because of something else that is on in my riding on that Wednesday night, can I see Ms. Deller after about an alternative flight?

Clerk of the Committee: I will send a flight itinerary out today to your offices. If any of you have any changes you want to make, please let me know as soon as possible. I realize that sometimes you cannot let me know until the last minute, but if you can it would be appreciated.

Ms. Hart: Can you tell me about your hearings now? Do you start at eight or nine in the morning?

Clerk of the Committee: At 10 o'clock in the morning.

Ms. Hart: I presume there is a finishing time at night.

Clerk of the Committee: Yes. Under normal circumstances, if we are holding public hearings, we start at 10 o'clock in the morning and we usually progress every half hour, with a good chairman.

Mr. Henderson: Which we certainly have.

Clerk of the Committee: Then we usually break at 12 noon or 12:30 p.m. We convene again at two and go on till five or 5:30 p.m. That will be different in Quebec. These are officials with whom we will probably want to spend more than half an hour and we may not have to take the entire day in each city.

Ms. Bryden: I do not know whether any other items have been referred to this committee besides Bill 75 and OISE, but if the House leaders come asking, we should say we will need a fair chunk of time to do the report on OISE. It may take a couple of sittings to go over the draft. So we should keep ourselves clear of private bills or other business.

Clerk of the Committee: We do have two other items referred to the committee.

Ms. Bryden: What are they?

Clerk of the Committee: One is Mr. Davis's motion on teachers' contract negotiations, an amendment to Bill 100, and also Bill 71, Mr. Sterling's bill on smoking in the work place.

Ms. Bryden: Since we may have to prioritize items, I urge that we prioritize the OISE item and schedule it before the end of June, because of the fact that educationalists would like to know more of what is going to happen in the future, and students, whether they are going to continue at OISE in its present condition--not that this committee will have a final determination but our report should be in the hands of the government as soon as possible.

Mr. Dean: That seems like a good idea, and we should not lose sight of the fact that every day we do not ban smoking in the work place we are adding to the health care costs and the death rate.

Ms. Bryden: We could start on the committee with no smoking.

Mr. Chairman: Is there anything else we should decide today? I feel when we are on the road that a 10 o'clock start is later than it need be. I felt when we were in those cities earlier on that we could have started at nine, even if we finished an hour earlier. I do not know what the committee members think, but we may have to start at nine and go late in Montreal, subject to our flight arrangements.

Mr. Newman: Is it not hard for some of the members to get up that early when they are away from home?

Mr. Pouliot: It is harder in Montreal.

Mr. Chairman: We can decide later on that. I felt that hour in the morning was rather wasted. I did see all the other members of the committee up. Whether they were doing something important, I do not know, but they did not seem to be.

Mr. Hart: I am quite surprised we would not start at eight or something. Do you not think we would get more done if we start earlier?

Mr. Pouliot: I share the feeling that 10 o'clock is late. However, we must give a chance to people who are paying us the compliment of a presentation not to have them in too early. Maybe nine o'clock would be a compromise we could live with.

Mr. Henderson: My only thought is that probably one or two of us in each case are going to end up dashing down the morning of the hearings and getting there by 10. I suppose that is idiosyncratic to whoever is involved and things could start at nine with any stragglers joining. It has happened to me a couple of times, and I am sure it has to others that we have not been able to go down the night before and so we end up dashing down the morning after and getting there by 10.

Mr. Chairman: We will not ask for a motion. Marion, did you have a negative opinion on that?

Ms. Bryden: No, it does not matter to me. I think it is a good idea to start a little earlier.

Clerk of the committee: This has not helped me. Do you want me to schedule nine o'clock starts on the road?

Mr. Henderson: It seems to me we are saying if it is necessary, then go ahead and do it, if it does not matter that one or two people may be a little late.

Mr. Chairman: It is at the clerk's discretion is what we are saying, but we are not going to shoot you if you start at nine.

Clerk of the committee: The clerk likes early.

Mr. Chairman: I had not noticed. Any other points anyone wishes to raise?

Mr. Henderson: We are not allowed to start early and end late in the same day.

Mr. Chairman: We shall adjourn for today and meet on Thursday, May 8, at 10 a.m. with the Minister of Colleges and Universities and the week following with the Treasurer.

Mr. Dean: I assume we will not be meeting in the afternoon of those weeks?

Mr. Chairman: I would assume that. We might want to on May 15 for a while, depending on how the morning goes. I presume the committee would rather meet from 10 to one than from 10 to 12 and then come back in the afternoon.

Mr. Dean: That would be better.

Mr. Chairman: Thank you very much.

The committee adjourned at 10:33 a.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

ANNUAL REPORT, ONTARIO INSTITUTE FOR STUDIES IN EDUCATION, 1984-85

THURSDAY, MAY 8, 1986



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G. R. (Dufferin-Simcoe PC)

VICE-CHAIRMAN: Dean, G. H. (Wentworth PC)

Bryden, M. H. (Beacnes-Woodbine NDP)

Cousens, W. D. (York Centre PC)

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Newman, B. (Windsor-Walkerville L)

Pollock, J. (Hastings-Peterborough PC)

Pouliot, G. (Lake Nipigon NDP)

Substitutions:

Allen, R. (Hamilton West NDP) for Mr. Pouliot

McFadden, D. J. (Eglinton PC) for Mr. Dean

McGuigan, J. F. (Kent-Elgin L) for Mr. McKessock

Clerk: Deller, D.

Staff:

Gardner, Dr. R. J. L., Assistant Chief, Legislative Research Service

Witness:

Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development (York North L)

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, May 8, 1986

The committee met at 10:10 a.m. in room 228.

ANNUAL REPORT, ONTARIO INSTITUTE FOR STUDIES IN EDUCATION, 1984-85
(continued)

Mr. Chairman: I am sorry there are not enough chairs for everyone. There are chairs on the way. I think we should start as there is a quorum. We are pleased to have with us this morning the Minister of Colleges and Universities (Mr. Sorbara). We thank you for coming. I understand you have a few words to say at the outset. Then we will get on with the questions and, I hope, the answers.

Hon. Mr. Sorbara: I am certain there will be questions. Let me begin by saying that it is a pleasure for me to be here before the committee today. Judging from the crowd, if there were any concerns about any budgetary problems that the Ontario Institute for Studies in Education or any other institution might have, if we sold tickets to these committee hearings, we might be able to solve those budgetary problems, at least in part. However, that would not be open government, would it?

I know that since the announcement in the budget of the Treasurer (Mr. Nixon) of October 24 last year there has been some concern about what the government's policy is and how that policy would be implemented. That really is, in essence, the nature of your activities in this committee, although I understand, as I learn these procedures, that the issue arises as a result of a reference of the annual report of the Ontario Institute for Studies in Education to this committee.

At the outset, I will make this point very clear to the members of the committee. The contemplated union of the institute with the University of Toronto is and remains the policy of the government. The challenge of the government, and it continues to be the challenge not only of the government but of the two institutions in question, is now to bring about that union so the process and the net result will enhance the viability not only of the institute but of the University of Toronto and, in particular, the faculty of education at the University of Toronto which, under the policy as proposed by the government, would have a special and important effect on that faculty of education.

I believe there has been an enormous amount of rhetoric on this issue. There is a sense that somehow the government was launching an attack on the institute. I think nothing could be further from the truth. In the interests not only of the work of OISE but the work of the University of Toronto, we have an obligation to continue to pursue this union and, in doing that, to rely on the goodwill and the creative capacity of both institutions to work towards an agreement for merger that is acceptable to both institutions.

That process is under way. I am not sure it is going as quickly as it ought. Nevertheless, when we determined the process would need a greater amount of time than was originally contemplated, the Treasurer advised each

institution that any reallocation of funds or redirection of funds would be postponed to provide a greater length of time for the institutions to work on a joint submission to me as Minister of Colleges and Universities. We anticipate that sort of joint submission will come forward. We have advised the institutions that, in the absence of a joint submission, we would entertain separate submissions, the one from the University of Toronto and the other from OISE.

In the event that those submissions identify areas of substantial disagreement, those matters could perhaps be resolved within the ministry, with the expertise of the ministry. In the event that we need a different sort of expertise, I, as minister, would consider the possibility of referring the merger of the two institutions to the Ontario Council on University Affairs.

I think the procedure that we set forth and the time allocated to do the work that is necessary have been fair. I think we have been open. I am not surprised that the majority of the submissions that this committee has heard are submissions to the effect that, "My goodness, this is a disaster for the Ontario Institute for Studies and Education."

I think that is a normal reaction. In my view, most people, even the most progressive of people, including the most progressive of people in our post-secondary institutions, tend to resist change. Obviously, you are not going to get--

Mr. Allen: We have heard that before.

Mr. Sorbara: You have heard that before? A little bit of repetition would not hurt, would it?

Mr. Allen: Just follow your wisdom. I prefer to see wisdom repeated and not folly.

Mr. Sorbara: The wisdom of change. I do not know. I continue to believe strongly the synergies that the full union of these two institutions can provide can be very effective. If you just want to play with it as a political football, that is great, but I think that this committee has a least some duty to look at the possibilities, to look at this thing from a different perspective. If you want to hear something that you heard before, the example I used in the House when questioned on this matter is the example of the union of Osgoode Hall Law School, once an entity that was run primarily by the Law Society of Upper Canada, with York University. I can tell you, having attended York University, and that law school at that university, that it is, in my view, an extremely good law school--one of the best in Canada. I am told by those who have followed its history that its ability to educate in that area has been enhanced dramatically by becoming part of a large, multifaculty, post-secondary institution.

I simply tell you that as we proceed down this road, our challenge is to ensure that the viability of OISE is maintained and enhanced. I think that an institution of that sort, with its broad programmatic responsibilities, with its field work and with its research capacity, has an opportunity to become even better within the context of being a full member of one of Canada's outstanding universities, if not the outstanding university.

Is there a possibility that perhaps it will not be an equal partner in the competition for resources in the University of Toronto? Perhaps, but I suggest to you that if OISE and the work it does cannot garner the respect of

a university such as the University of Toronto and compete for resources within this context, is the program as good as we have been told?

I believe it can compete and that it will not only be able to continue to command the resources through the University of Toronto, but perhaps will be looking at an expansion of its capacity to carry on its good and viable work. With that, I close my opening remarks and I am open to any questions that members of the committee may want to direct to me.

Ms. Bryden: I appreciate Mr. Sorbara's coming before us and giving us the present situation. My first question is this: Did you and Mr. Nixon discuss the possibility of a transfer to the University of Toronto prior to the October 24 budget?

Hon. Mr. Sorbara: Yes.

Ms. Bryden: Do you know whether he also discussed it with Dr. Connell and Dr. Shapiro?

Hon. Mr. Sorbara: I was not involved in discussions with the Treasurer, Dr. Connell and Dr. Shapiro. I suppose if you want an answer to that question, you should ask the Treasurer. I presume that he had discussions with Dr. Connell and Dr. Shapiro. I think that ever since he was appointed Treasurer, and for several years before that, he discussed these matters with the heads of both institutions.

Ms. Bryden: When did you first discuss it with Dr. Shapiro? I presume your ministry's responsibility for OISE has mainly been providing the formula grants. Do you have other administrative or supervisory connections with OISE, or is it mainly the grant function that your ministry has carried out?

Hon. Mr. Sorbara: As you know, the responsibility and accountability for OISE within the government are shared by my ministry and the Ministry of Education. The act is an act under the jurisdiction of the Minister of Education (Mr. Conway). A substantial part of the revenue for the Ontario Institute for Studies in Education flows through the Ministry of Colleges and Universities. The level of revenue in 1985-86 was some \$16.4 million; so we do have substantial responsibility there.

As you know, the Ministry of Colleges and Universities is not a ministry that operates programs. It is responsible for institutions that have a life of their own. It is an anomalous situation with OISE, an institution that participates with university institutions and yet is not quite a university institution. It has no mandate in that regard. Unless your private member's bill becomes law, it will not have degree-granting powers.

If I can answer the question more fully, the way in which my ministry is involved in the ongoing activity of OISE is through the Ontario Council on University Affairs, which makes recommendations to my ministry with respect to the funding of programs.

Ms. Bryden: OISE has now been in existence for 20 years and has a worldwide reputation. I think both you and Mr. Nixon have called it a world-class institution. Is there any reason why it should not have its own degree-granting powers since it is a semi-autonomous institution, as you have mentioned, under both the Ministry of Education and your ministry?

Hon. Mr. Sorbara: I think there are a number of reasons why it ought not to have degree-granting powers.

First, it is the policy of this government, and was the policy of the previous government, not to encourage a proliferation of institutions with authority to grant post-secondary. I suggest to you that this is why Osgoode Hall Law School became part of York University rather than becoming an autonomous institution granting degrees in law.

I think there are good and substantial reasons for that. The trends we are seeing in post-secondary education are that the synergies of institutions with many faculties come together and seem to work better. There is undoubtedly a competition for resources, but there is a competition for resources in any event.

The very nature of a university is to bring a universe of disciplines together under one roof, if you like, or under one system, so that the academic, research and teaching activities can be diverse and yet part of a whole. I think it is a good idea.

Ms. Bryden: Do you think it would cost more money if OISE had degree-granting powers? The institute is there. It has its admissions policy and its administrative setup.

Hon. Mr. Sorbara: I do not think it is or has ever been a question of money. If I can be quite frank with you, I think the opposition in the House has suggested that we are systematically trying to attack the budget of OISE. That is not the case.

As the institutions work towards an agreement for union, I anticipate that the document will ensure that as one institution becomes cemented with the other, there will be enough time to allow the cement to cure properly and to allow both institutions to remain viable.

Ms. Bryden: The cement could become a straitjacket.

Hon. Mr. Sorbara: It speaks to budget and it speaks to ensuring continued program development and flexibility in all the good work that institution has been doing.

Ms. Bryden: Did you see any duplication when you had visits with OISE? Did you meet with the board of directors and Dr. Shapiro shortly after the merger proposal was made to discuss the matter with them?

Hon. Mr. Sorbara: Yes, I did.

Ms. Bryden: At that time, could you identify any duplications between the University of Toronto faculty of education and OISE?

Hon. Mr. Sorbara: When you have what is in effect a post-graduate institution whose singular area of activity is broadly education and across the street an undergraduate institution--the faculty of education of the University of Toronto, whose singular thrust is also education--one could imagine that, of necessity, because they are sharing the same territory, there would be elements of duplication.

Ms. Bryden: Queen's Park shares the same territory as the University of Toronto too.

Hon. Mr. Sorbara: However, we are in very different fields, are we not?

Ms. Bryden: I hope so.

Hon. Mr. Sorbara: We propose an integration of the work of the undergraduate faculty and the post-graduate institute so that each does better and more effectively the common mandate they share. In a world in which we are integrating ourselves more and more at more and more levels, I do not think that is a bad thing.

Ms. Bryden: Can you give us any specific examples of duplication of services between OISE and what the University of Toronto is offering?

10:30 a.m.

Hon. Mr. Sorbara: No, I am not prepared to give you specific examples today, but I suggest you would not have to look very far into the program to see where some things in the areas of program and of administration are duplicated.

Above and beyond that, if you take the same resources and allocate them, and if those institutions work effectively together as one unit, my sense is that the product will ultimately be better and more effective. The work at both the graduate and undergraduate levels will be advanced.

Ms. Bryden: Have you visited some of the Ontario Institute for Studies in Education's very special services, such as the Centre for Women's Studies in Education or their heritage language unit, where they are developing the writing of native languages as well as the means of teaching them? Have you visited them?

Hon. Mr. Sorbara: No, I have not.

Ms. Bryden: Have you visited the OISE Psychoeducational Clinic, which helps school boards determine which children have special needs?

Hon. Mr. Sorbara: I am familiar with the breadth of the program offering. I am familiar with their field service work and the services they deliver throughout the province.

I am also familiar with the program in continuing and distance education and service to community that the medical faculty of the University of Western Ontario delivers all over the province, and how effective it is. That the faculty of medicine of the University of Western Ontario is in that broad domain of distance education, and is going out into communities to deliver programs right up into northwestern Ontario, does not satisfy me that it ought to be a separate, autonomous institution with its own budget and its own relationship to the Ministry of Colleges and Universities, nor that it would be enhanced.

That OISE is separate and apart from a multifaceted university at this point is, in a sense, a historical accident, and my view is that bringing together these two institutions will make it more effective. You know as well as I do that the discussions in that regard have been going on for a long time. We simply act as a catalyst to effect what the institutions themselves

have been unable to effect thus far, notwithstanding that we have had recommendations in that regard on a number of occasions.

Ms. Bryden: Have you visited the Centre for Franco-Ontarian Studies at OISE? It develops French-as-a-second-language programs, immersion programs and standards within the whole school system, and English-as-a-second-language programs for our immigrant population.

Hon. Mr. Sorbara: No, I have not.

Ms. Bryden: These are areas, you see, where OISE is operating as a unique institution, serving the whole province, not just the Toronto area, and doing things that neither the University of Toronto department of French nor the University of Toronto faculty of education is doing.

Hon. Mr. Sorbara: I suggest to you that the University of Toronto is an institution serving not only the whole province but the whole country and perhaps the continent.

Ms. Bryden: That may be true; any top-notch university does. However, in the throne speech the government says that it believes in specialization. OISE is a highly specialized part of the whole educational system in the province. Is it not cheaper, as well as more efficient, to keep that specialized institute to serve the whole province and to work with school boards, teachers, principals and the general community in developing our educational services and the delivery of them?

Hon. Mr. Sorbara: I do not quarrel with that. I remind you, however, that as we have imposed a political dimension on this issue, the facile political view is that the government is determined to do away with OISE and the work it does province-wide. While those kinds of suggestions make great headlines and garner a modicum of political support, they are simply not true. Those activities can be continued and indeed enhanced by the policy we have put to the government.

If you think I am going to base my decision on this on my personal evaluation of the English-as-a-second-language program, the French immersion program or the field services programs in a number of areas, you are way off-base. Evaluation is not an activity a minister of colleges and universities should be involved in. Evaluating the nature of the programs happens in the forum of the Ontario Council on University Affairs and in the forums of the institutions themselves in their academic setting.

Once the union has been effected, the academic senate of the University of Toronto will champion the work OISE is doing. To suggest otherwise suggests either you have some concern yourself about that program or you have some concern about the critical assessment that academic review at the University of Toronto is capable of. I simply do not buy that. I do not have any problem with the programs you suggested I visit; neither do I have a problem with the academic evaluation or program conducted on a regular basis at the University of Toronto.

Ms. Bryden: You say that if OISE were merged with the U of T, it would have to compete with other programs. I am sure you are aware the University of Toronto has just brought in a group of budget cuts for this year which involve a cut for the faculty of education rather than any enhancement of budget. Is this not a sign OISE will be competing in an atmosphere of cuts rather than of enhancing its work?

Hon. Mr. Sorbara: The University of Toronto was the beneficiary of almost one quarter of the allocation under the university excellence fund for the current fiscal year. The resources of every institution, including OISE, are not what we would have in a world where we were not experiencing deficit financing in government. Are you suggesting that while the University of Toronto ought to be involved in a competition for the resources of the taxpayer, somehow OISE ought not to be involved in that competition? Are you suggesting that the programmatic work of OISE should be protected in some way and that increments to its budget ought to be done without the evaluation every other program at every other institution is subject to? Why?

Ms. Bryden: It is subject to the evaluation of the estimates.

Hon. Mr. Sorbara: Should we insulate the institute from that sort of critical evaluation? I think not. I am sure your party is not suggesting that while an institution such as the University of Toronto has to meet certain standards, program evaluation at OISE ought not to have to meet those same sorts of standards.

OISE does compete for scarce resources. It does conceive of an ability to spend not just \$28 million but perhaps \$40 million and use it effectively in the work it is doing, so it is involved in that competition in any event. The natural context in which it ought to grow and expand and have a budget of \$40 million is within Canada's premier university system.

Ms. Bryden: Everybody has to compete for budget funds. We know the federal government is cutting back and so on, so there is particular need for efficiency. I think that is what the Treasurer (Mr. Nixon) thought he was getting at. Will small institutions be more efficient than large ones? Is that not an argument for retaining OISE as a separate institute?

10:40 a.m.

Hon. Mr. Sorbara: I do not think you can make a general statement that small institutions are more efficient than large ones. Our experience in the university sector is that there are substantial costs incurred by small institutions to remain vital that larger institutions will not incur. I point to your suggestion, based on a \$7.9 million headline, that the University of Toronto is undergoing budget cuts. The paring down had to be done on the basis of submissions of individual entities or parts of the university. That is a process that goes on in every institution, every year, at budget time.

Ms. Bryden: Can you tell us at what stage are the negotiations, if any, between OISE and the University of Toronto on an affiliation agreement? Are the bodies meeting? Are the committees meeting?

Hon. Mr. Sorbara: I have not heard in the very recent past from either Dr. Shapiro or Dr. Connell in that regard. About a month and a half ago I had an opportunity to meet with Dr. Connell and he advised me that work is continuing.

Frankly, I anticipate the institutions will submit to the Minister of Colleges and Universities a joint recommendation. In the absence of that, if they advise that is impossible, it is my expectation that before too long, individual submissions will be presented. If that is the avenue chosen, those will be reviewed with the greatest of care. I ask you to take me at my word on this. In determining the particulars of union, we will be sensitive primarily

to ensuring the viability, the vitality and the enhancement of the work of OISE. We will provide the appropriate curing time so that the bonds are strong and vital.

Ms. Bryden: At our last meeting, Dr. Jones, the chairman of the OISE board of governors, pretty well spelled out to us the bottom line for OISE on the negotiations: an independent institute; retention of the name; budgetary autonomy and retention of the funds generated by OISE students; program autonomy; a long-term agreement, for 15 years or 20 years if degree-granting power was not given; and assistance in enhancing the relationship between the faculty of education and OISE, which everybody agrees is a desirable objective. In the opinion of the OISE board, those six terms were the basis on which they wanted to conduct negotiations. Do you know whether the negotiations are being conducted on those terms or are we back to the "Dear Al" letter in which Dr. Shapiro put forward some other terms that were not finally accepted by the OISE board?

Hon. Mr. Sorbara: You as a member of the New Democratic Party will know, far better than I, that the negotiation process is one in which one party comes with its view of the way the future should look; the other party comes with another view of the way the future should look and the magic of negotiations is that compromise and discussion result in a meeting of the two positions.

My view is that the process has to take its course. These hearings, and the work of this committee, have perhaps impeded that process because we are still in the political domain; we are still launching the political challenges to the policy of the government. I am confident a reasonable approach from both institutions, with an overseeing eye of a benevolent minister, will result in a good deal.

Ms. Bryden: On that note, Mr. Chairman, I will pass the questioning to some other member.

Mr. Chairman: That stopped you.

Hon. Mr. Sorbara: None too soon.

Mr. McFadden: She was thunderstruck.

Would the Minister indicate his evaluation of the work the Ontario Institute for Studies in Education does? How would you rank it?

Hon. Mr. Sorbara: Top-notch.

Mr. McFadden: World-class?

Hon. Mr. Sorbara: I do not like that word any more. It is overused.

Mr. McFadden: That appeared in the speech from the throne on a number of occasions.

Hon. Mr. Sorbara: That was its high point.

Mr. McFadden: Now it is going downhill from there.

Hon. Mr. Sorbara: These are just words. I have spoken to a number of

people involved in one way or another in OISE. I have spoken to the faculty association, to individual faculty members, to students, to field workers and to individuals in other parts of Ontario that have benefited from OISE. I have read the correspondence that has come to me in support of OISE's plight. I say that OISE does not have a plight.

Mr. McFadden: Does it have a future?

Hon. Mr. Sorbara: A vibrant one. Is it unfair to suggest that certain aspects of OISE's program are substandard? I do not think so. Certain aspects of every faculty in every university are substandard but on balance I am satisfied that, programmatically, OISE is doing a good job.

Mr. McFadden: When the Minister of Education (Mr. Conway) was here, he described OISE as a fine, internationally-ranked institution.

Hon. Mr. Sorbara: He is far more eloquent than I am. He has the ability to pick out those dramatic and effective evaluations. I do not know. I suspect there are elements in the program at OISE that command an international reputation. I have letters from overseas supporting OISE. I wonder whether they grew right in the soil of those overseas countries or whether there was not a little catalyst emanating from Toronto; but that is fair and appropriate and there is nothing wrong with that.

You say OISE has an international reputation. Certainly. Many of our institutions have international reputations in certain areas. The mapping program at Sir Sandford Fleming College of Applied Arts and Technology, in the eastern part of the province, in Lindsay, is garnering an international reputation, even though that faculty or department--whichever it is called--is not a freestanding, autonomous, independent, directly financed program. It exists within a community college, competes for resources, gets the resources, gets on with its work and is garnering an international reputation.

Mr. McFadden: It is safe to say the OISE does compete for resources, though.

Hon. Mr. Sorbara: It certainly does.

Mr. McFadden: We are not saying it does not or it has not. Would it also be safe to say that, in the field of education, it rates as a centre of excellence as far as the studies in education are concerned? Do you give it that rating or not?

Hon. Mr. Sorbara: We are just building up to a crescendo on centres of excellence.

Mr. McFadden: This has been the thrust of the government's whole direction of post-secondary education--world-class centres of excellence. I am trying to determine where OISE fits in with the overall thrust of government policy. These words have been thrown around a lot in the last two weeks. I am trying to get at where OISE fits into this and how the government, and your ministry in particular, rates the work of OISE today. We have heard from the Minister of Education.

10:50 a.m.

Hon. Mr. Sorbara: I have said already that on balance, nothing has indicated to me that there is a problem with the program or the work, or a

problem with the substance of what goes on at OISE. Is it a centre of excellence? I think so. As our government works towards giving higher definition to that kind of centre, will it be classified in that regard? I would think so. Does it have the capacity to be even better 20 years down the road? I think so. That is what we have to work on. Can it be a centre of excellence as an integral part of the University of Toronto? Most assuredly so. An institution as broad and multifaceted as the University of Toronto ought to rely for its reputation not on one centre of excellence but probably on a number of them.

Its law school, you will know, is an enormously important faculty with a commanding reputation. It was founded by a former Chief Justice of the Supreme Court of Canada. It is doing a magnificent job in legal education and legal research. A centre of excellence? Probably.

The faculty of education at the University of Toronto: a centre of excellence? I am not sure yet. I am told anecdotally that it could be a heck of a lot better than it is. I hope that when the policy of the government has been fully implemented, some of the outstanding achievements of OISE can have a direct effect on the faculty of education of the University of Toronto and beyond. What is OISE all about? Education. What is the University of Toronto all about? Education. There are similarities in those mandates.

What do they do? They educate and they do research. What does OISE do? Its material, its whole direction is in education. It might not be a bad place for it to be. If you take all the politics and all the shouting and screaming out of it, if members of the committee think about it, it might not be a bad place for it to be in the end. It might do it a world of good. It might do the University of Toronto a world of good.

Mr. McFadden: That is one of the issues that have to be wrestled with: For whom are we trying to do a world of good? The worry that has been expressed to us, not just by members of the faculty at OISE but also by others, is that the motive behind this is really to do the U of T a world of good. Is that a possible assessment?

Hon. Mr. Sorbara: No.

Mr. McFadden: Is it in some way meant to strengthen the University of Toronto?

Hon. Mr. Sorbara: I do not think so. Our policy is not enunciating a preference for one institution over the other.

I suppose a hue and cry was raised back in the mid-1800s when we were trying to bring about a federal union in this country. Everyone was saying that someone had tried to do someone else in. I do not think it is true that we are giving preference to one institution, one jurisdiction or one entity over the other.

What will happen the day after the union? There will still be some resentment and there will still be a great deal of uncertainty, but in my view, life will carry on. It is not as if all the players will change or everything will just stop. It will carry on and will perhaps be better. I implore this committee at least to consider that aspect as well.

Certainly hear all the complaints, the concerns and the worries. But do you think the University of Toronto is going to say, summarily, after union,

"Now it is time to close you guys down." That is just not in the cards. It is not the way these institutions work.

Since you may raise it, we did and do have a problem with a less-than-effective faculty of architecture at the University of Toronto. There were clearly severe program difficulties there, acknowledged by everyone, so much so that the University of Toronto took the enormously unusual step of recommending to its governing council that the faculty of architecture and landscape architecture be closed.

This is a very unusual step for a university to take. As a result of the submissions and the rallying by such organizations as the Ontario Association of Architects, the alumni of that institution, the city of Toronto and, to a certain extent, the government, the university has decided to put together a task force to see whether there is an alternative solution, potentially the creation of a school of architecture, so that the institution can remain and grow and one day perhaps become once again a fully integrated part of the university.

To suggest union and then decimation is just not in accord with the reality of how things work.

Mr. McFadden: I have read over the proposal of the president of the University of Toronto on the task force to look at the status of the faculty of architecture. From reading those terms of reference and from discussing them with the architectural profession, it sounds to me as though the university is coming very close to creating an institute for architecture similar to what OISE is for education. On the one hand, we are trying to move OISE out of that kind of status; on the other, we are effectively proposing to create a body for the school of architecture--with provincial endorsement, I assume--that is very similar to what OISE is now.

Hon. Mr. Sorbara: It may well be that 20 years down the road the program at OISE will be suffering so dreadfully that that kind of thing will happen. What is happening at the University of Toronto with OISE is that we say that the value and the evaluation of program is such that OISE does meet the standards of the University of Toronto--it is a world-class centre of excellence--and can become a full participating unit in that university.

As I am told, the architecture thing results from a situation where the program had such serious long-term problems infecting the very nature of the faculty that there was a recommendation to discontinue it.

You are looking at something entirely different. The proposed solution in architecture contemplates a revitalization of architecture with the resources that have come into the system voluntarily from the private sector, from architects and from people concerned that Toronto continue to have a faculty of architecture. In effect, the province has come to the aid of architecture. I do not know what model is going to be chosen or what the task force will recommend. I do not want to prejudice its deliberations, but I suggest that one of the courses that may be contemplated creates a little distance for a while as that entity rebuilds itself with the assistance that has come to the fore, so that it can knock on the door of the University of Toronto and say it is again classy enough to be a full participating member.

Mr. McFadden: I find it interesting that the collective wisdom that seems to be developing around the school of architecture--and I do not want to belabour this--based on the profession's view, is that there needs to be restructuring and an involvement of the profession in it.

Here we have a situation where the professional judgement of the existing board of governors, the staff and educators throughout Ontario--and I will tell you it is not the majority of our witnesses; it is every one who has appeared before us, one after another.

Hon. Mr. Sorbara: Yes, sure.

Mr. McFadden: Directors of education, school trustees, principals--just a whole number--have all told us that in their view. The standards and the service OISE is offering and the excellence we have can only be maintained and enhanced if OISE maintains a status similar to what it now has.

Hon. Mr. Sorbara: What is their authority?

11 a.m.

Mr. McFadden It is based on their professional experience, their work--

Hon. Mr. Sorbara: They do not have experience with anything else, though. They do not have any experience of an Ontario Institute for Studies and Education that is a full participating member of the University of Toronto. They are just saying: "My goodness, you cannot change things. This is the way it has been since 1965. It is shocking that anyone should actually change and suggest a policy that might enhance the institute."

Mr. McFadden: I would far prefer to trust their professional judgement against the judgement of the cabinet of the province of Ontario on this particular issue.

Hon. Mr. Sorbara: Where is it coming from? There cannot be an objective assessment of the one model as against the other, can there?

Mr. McFadden: What I am really suggesting to you is that we have received expert evidence, and the government has not provided us with anything else. We have not received even one witness in here--a director of education, a school trustee, even a teacher--who justifies the government's position. The only people who are showing up here and telling us this is going to lead to a strengthening and so on are cabinet ministers.

Hon. Mr. Sorbara: You have had the benefit of the wisdom of the Treasurer (Mr. Nixon), and now you get a few remarks from me. What more would you need?

Mr. McFadden: The interesting thing I should tell you is that the Minister of Education (Mr. Conway) did not even endorse this policy in this committee, I would suggest to you. He skated for two and a half hours and basically never entirely endorsed it, and it is his area of jurisdiction that is most affected by this decision.

All I would suggest to you is that the weight of evidence is that the people who spend their lives working at this do not agree with the government's position. It disturbs me when you say that maybe in 20 years we will realize that a mistake has been made and will go back to where we were. I suggest we not experiment in that direction. Why are we going to do that?

Hon. Mr. Sorbara: That is a reasonable Progressive Conservative view: that we not experiment, that we not change things--

Mr. McFadden: I did not say that.

Hon. Mr. Sorbara: --that we not try to reform the system somewhat and that we not try to make it better. Implicit in all your arguments is that that institution across the street somehow will adopt this vital institute and tear it apart, and that that institution over there has nothing to offer. I do not know how many votes that gets you from constituents who are very proud of that institution, but frankly, I think it is a regressive view. That institution has a heck of a lot to offer the institute.

Mr. McFadden: We are not talking here about votes. To start with, I am an alumnus of the university.

Hon. Mr. Sorbara: But we are all politicians. We are ultimately--

Mr. McFadden: Just a minute. I am an alumnus of the University of Toronto. I strongly support the University of Toronto. I do not believe, and neither does our party believe, that this is the right decision, nor do most educators believe it. Maybe the University of Toronto believes it and you do, but I do not believe this is a political issue. What we are talking about is something very different from that, quite frankly. I think it is unfair to say we are all looking at votes because, if you count up votes, probably very few people in the population are all that interested in this issue, except for those immediately affected.

Hon. Mr. Sorbara: But I have put to you the proposition that the University of Toronto has an enormous part to play here and a great deal to offer the institute. The entire thrust of the arguments your party has made and the arguments that I think have been presented to this committee is based on the supposition that somehow the University of Toronto, notwithstanding its own standards and notwithstanding its own century of experience in post-secondary education, will somehow not have regard for the vitality of the institute.

In that I believe you are simply wrong. The University of Toronto has a great deal to offer the institute, and what we are reacting to here is that we just cannot have any changes; we just cannot do that.

In every change there are risks, and I will grant you that. There are risks for the institute in the absence of any changes. It may on its own, without any changes, deteriorate. It may become a less-than-vital participant in its sector. That is also in the cards; it is a possibility. What I suggest to you is that the change we are proposing has the potential to make the institute a far better place than it is even today. From my limited information about the program at the institute, I have no problem in suggesting to you that, under the right terms of union, OISE will have no problem justifying what it does in an academic community as broad and as dynamic as the University of Toronto. I do not have a problem with that. I do not think it is going to be decimated there.

Mr. McFadden: Time will tell whether this takes place.

Can we deal with the basis for this whole decision? This announcement was not made by you, nor was it made by the Minister of Education or by the Premier (Mr. Peterson). It was made by the Treasurer (Mr. Nixon) in his budget document. Presumably, it has something to do with money, or why would it be in the budget? We were told this morning that the decision was not based on money.

We have talked to the Treasurer about it before this committee and also in the House. We have asked what duplication would be eliminated by the transfer. You have said you were not aware of any duplications that might be eliminated. The Treasurer has said that the duplication he suggests would be eliminated is the board of governors. Is it a vital objective of your ministry to eliminate this board of governors?

Hon. Mr. Sorbara: It is a natural consequence of a union that there not be a board of governors as currently constituted responsible for an autonomous institution, and there are some cost savings just in that. I think, as you will note from my response to Ms. Bryden, that once there is union and the institute and the faculty of education start working more intimately, we will see an ability to do far more with the resources that are currently available, and that is an element of duplication as well. If you can do better with the same amount, it follows that you have avoided duplication, for want of a better word.

Mr. McFadden: One of the things the board of governors offers is direct input into planning of its program by educators and administrators from across the province. We received a lot of evidence to the effect that the board of governors, which is broadly representative of the education community of Ontario, enhances the programs and their relevance to educators from one end of the province to the other. The governing council of the University of Toronto certainly cannot substitute for that. It seems to me that what you will do by eliminating the board, which is apparently the one big item of duplication we are going to eliminate, is to impair the ability of OISE to deliver the kinds of relevant services it offers throughout the province.

11:10 a.m.

Hon. Mr. Sorbara: If the substantive work of the board in that regard is important to the future viability of the institute, then in the submissions it presents, either independently or jointly with the University of Toronto, it will want to offer alternative ways of having that same input. Obviously, it will not be through an independent, free-standing board if there is not going to be a board. It must identify the vital work the board does in developing program and say: "It looks as though we are not going to have a board of governors any more. However, there are things the board of governors has done that make us more vital, so we propose to replace that input into the institute by A, B or C or a combination thereof."

Does the lack of a free-standing board of governors for the University of Toronto law school or faculty of medicine, or cartography at Sir Sandford Fleming College or engineering at the University of Waterloo mean that somehow they cannot do their work as effectively? No. If there are substantive needs, you find a way to provide for them.

Mr. McFadden: I am dealing with the rationale. You suggest that we create some type of advisory board or council that might provide direct input to OISE or the faculty of education on the needs of the education community. The Treasurer says the saving of \$70,000 for running this board of governors was the major objective in this transfer. "At least we will save \$70,000." If we are going to have boards created that would be involved in going to meetings and consulting, presumably that saving is not there. What you are suggesting is that an agreement, if it provided for a board, would in essence totally eliminate the duplication the Treasurer has identified as one of the key rationales for his policy.

Hon. Mr. Sorbara: That is one way of looking at it.

Mr. McFadden: The Treasurer must have been lying to the committee.

Hon. Mr. Sorbara: I am not sure that remark is appropriate. Is it, Mr. Chairman?

Mr. McFadden: Perhaps he gave us information that did not lead us to the correct conclusion.

Hon. Mr. Sorbara: How is that, Mr. Chairman? Is that in accordance with all the--

Mr. McFadden: I withdraw my remark.

Mr. Chairman: Legal arguments usually put me to sleep and I missed it.

Hon. Mr. Sorbara: You did not miss much.

I suggest that there are some cost savings. More importantly, the synergies of the two institutions working as one are the real benefits. That is what we are working on. I do not think I differ much from the Treasurer in that regard. The Treasurer and I both see that the real importance of this thrust is a more effective OISE and a more effective University of Toronto, consistent with the clear view that OISE, and its creation and existence as an autonomous institution, is anomalous in the general thrust of this government's policy with respect to post-secondary education.

Mr. McFadden: You have said you are in favour of new things. This is something new and different. It is evolving new programs. Why do we not keep it going? It is a centre of excellence. What is our preoccupation with trying to kill off something--

Hon. Mr. Sorbara: If we did not have confidence in OISE and respect for its work and a desire to continue and enhance that work, the initiative of the Treasurer or the Minister of Colleges and Universities or the Minister of Education (Mr. Conway), for that matter, with respect to OISE, would not have been to transfer it to the University of Toronto; it would have been to cut its budget and to say: "We are doing away with OISE. We are repealing the Ontario Institute for Studies in Education Act. We are cutting off its source of revenue." That would have been the initiative.

To invite it into the University of Toronto speaks for itself. There are a lot of trade schools and other things out there that we have put money into in the area of education, some of which, broadly speaking, could be classified as post-secondary. We are not saying that we want to transfer them. They do not have the style, depth, expansiveness of program or dynamics. In that sense, the initiative speaks for itself.

Mr. McFadden: One final area I would like to ask you about relates to the field offices. One aspect of OISE programming that we received a tremendous reaction to from people working in the field--principals, teachers, administrators--both in person and by letter, was the field office program. It is a program that the province and OISE can be proud of. It is meeting a need that is not met by any other post-secondary educational institution. There is a consensus on that. The Minister of Education confirms that, as has virtually everybody we have spoken to.

I am curious to know what we are going to do about the field office program. I asked Dr. Connell about this on two different occasions and he was not prepared to give any undertakings, guarantees or anything else about the importance or place of the field offices.

Take a look at the dynamics of the University of Toronto. It is a large institution with a clear mandate in terms of how it sees its role in Toronto and in its own areas of excellence. If the governing council is looking at a budget and trying to decide whether an allocation of \$2 million or \$3 million should go to field offices to service Atikokan and other places or to the law school and medical faculty, you have to wonder what it is going to do. Is it going to shortchange the faculty of medicine at the University of Toronto to keep the field offices going in northern and eastern Ontario? I asked Dr. Connell that; he was not prepared to comment on it. He said he could give no undertakings and it would be up to the governing council to decide.

That is totally unsatisfactory from the point of view of the province of Ontario. I am not talking about OISE. There is no reference in all the documents the Treasurer has sent here and there and to Dr. Jones, or in all the various things that have been talked about. There have been no caveats or mention of any guarantees or assurances with regard to the field offices. What are you, as a minister, prepared to do to ensure those field offices are not put in jeopardy? As I understand it, they fall outside your budget because they service the Ministry of Education, but presumably this money would find its way into the University of Toronto. What guarantees is the province prepared to offer to see the program keeps going?

Hon. Mr. Sorbara: To the extent that field offices are supported by dedicated grants from a ministry to an institution, they are for a specific purpose. If it is the judgement of the Minister of Education to continue to allocate resources for that purpose, the ministry would continue to do so. I suspect the University of Toronto would not interfere with that decision. It means increased revenue for one of its participating institutions, just as the National Research Council makes grants for specific purposes to elements in institutions for work that gets carried on. To suggest the field offices are immediately threatened is to misrepresent the way in which the funding of those field offices is carried out.

I will ask you rhetorically about your evaluation of the field offices of the faculty of medicine at the University of Western Ontario, of the distance education program at Lakehead University and of the distance education program in the area of education at the University of Ottawa. I ask for your evaluation and then I ask whether you, as a member of the Legislature and as a member of this committee, think we as politicians should be evaluating the effectiveness of those programmatic activities.

11:20 a.m.

Should we be the judges of whether the University of Waterloo is doing a good job in engineering if it had field offices? It does have field offices in a sense; it has a co-operative program under which it sends its students to work in industry for part of the year. Should we be evaluating that? The decisions we make are always tainted with the world of politics. Should there, instead, be peer review of those sorts of things? Should the peers of those doing that work evaluate it? Should OISE, as a special case, be able to bring its program to government and say, "Part of our program may be threatened"? There may be some peer review of this program. I think peer review will confirm the effectiveness of the field offices. I am not saying that once the

union is solidified, things are in place and operating and some confidence in a new structure is created, peer review should not happen. It is a more effective way of ensuring that our limited resources are most efficiently used.

Mr. McFadden: The hearings of this committee, from one end of Ontario to the other, rate as a peer review in the sense that people have been prepared to come forward publicly, either in writing or in person, to endorse the work and the usefulness of the field offices. I know you thought this whole process might delay the settlement of things, but I suggest we have had a peer review.

Hon. Mr. Sorbara: No, we have had the hearing of a legislative committee. Given the political process, one can anticipate you would get the same kinds of submissions if the Legislature decided to hold a hearing on the fate of the faculty of architecture. Even where a program was in trouble to a certain extent, you would get submissions about the effectiveness of the program and how it could be saved and enhanced. That is what you would get. You would not get a peer review. You are getting a different sort of perspective.

Mr. McFadden: Regarding the school of architecture, if we had two weeks of hearings we would have at best a 50:50 judgement on the viability of the current program.

Hon. Mr. Sorbara: That is not the experience of the University of Toronto in its hearings. All the submissions indicated there is still life there. We can follow the record of those hearings, even those that acknowledged there were program problems. If there are no program problems at OISE, then it is a divine institution unlike any other. There are program problems there and in every institution, but none of them was brought to this committee because that is not what it is all about.

Mr. McFadden: People are welcome to come. My concerns regarding field offices--then I will leave it--are that to say the U of T would have no involvement, but would be guided by certain earmarked fundings, is not quite correct in the sense that there is a support mechanism necessary to keep them going in the institute itself. That has to be financed through the ordinary operating budget. That is an area where it could be starving in terms of budget.

You also mentioned that we should not be discussing these matters in the Legislature, but that they should be left to the individual universities. I am a strong supporter of university autonomy and self-government, but I know that in the speech from the throne there was talk about institutional accountability and so on. I assume the government will have a role in that. To say that OISE and others should not have a right, or that members of the Legislature should not be involved in discussing this, is wrong. These issues have a public content and should be discussed.

One of the problems of post-secondary education is that the community has not been active enough and informed enough of what the universities are doing. Therefore, this process has been useful. It has been useful for OISE to examine itself and see what kind of support it has. This process has been useful for education in Ontario and has not been negative or hurtful to OISE. It has probably helped it. It has also helped the government to understand peoples' concerns more fully. If these hearings had never taken place there would not have been the same awareness. Surely, in the long run, that must strengthen the whole discussion of OISE, its future and any relation to the

University of Toronto. I assume you are not saying this whole process is a waste of time and all the people who came here were wasting the public's money or our time.

Hon. Mr. Sorbara: I am not saying that at all. I am saying the process has been effective, important and vital and part of the democratic process. I am suggesting that neither you, I, nor the committee should be surprised if most of the submissions you hear are to the effect, "My goodness, you cannot do this thing." I invite the committee to look at the other side of the coin as well, to realize that the policy enunciated by the government and the proposed union of the institute with the University of Toronto might well be a very effective thing for both of them.

This is the essence of democracy, that these hearings are being held and that the inquiry is being made. It is also part of the reality of the process that what you will be hearing is a reaction to government policy rather than a series of submissions saying: "My goodness, the Ontario Institute for Studies in Education has been a waste of time all these years. Get rid of it." That is certainly not going to be the case.

I invite the members to evaluate for themselves the possibility that out of the policy that has been enunciated, a workable document for union can arise and ought perhaps to be encouraged so that, as we proceed down this road, we ensure that government policy as put into effect is effective policy and effective substantively for the two institutions.

Mr. McFadden: I will stop there.

Hon. Mr. Sorbara: Mr. Chairman, may I have two minutes?

Mr. Chairman: Certainly. We will recess for two minutes.

The committee recessed at 11:28 a.m.

11:31 a.m.

Mr. Chairman: We will start again.

Mr. Allen: In some respects, it is very difficult to know where to begin. The minister has come before us and his latter remarks appear to suggest some unusual degree of condescension towards the political process in this place. He appears to suggest that a committee that has been looking at all sides should look at the other side. We had as much access as we could possibly get to the side of the University of Toronto. We went out in the field not looking for one side. Is the minister telling us that when we listened to the Ottawa Board of Education or to the representatives of the school systems in northern Ontario or in other parts of the province, we were hearing one side, a political side, that was somehow or other particularly self-interested in telling us that they just did not want change because they did not want change? Is that what he is telling us?

Hon. Mr. Sorbara: Nothing could be further from the truth, as I have said before. I have an enormous amount of respect for this process. I repeat, I am glad it is happening. It is important that it happens. What I simply suggested is that one ought not to be surprised, sitting on this committee, that the majority of the views expressed are, "For goodness sake, do not change it." Under these circumstances, that is not an unusual view to receive.

It is not unusual that the majority of opinion would be in that regard. I am told by those who have been following the committee's deliberations that when that sort of momentum starts to take place it is irresistible for the committee simply to say the government's policy is all wet. Perhaps you have to do that.

What I am suggesting to you as independent legislators and members of this committee is to look also at the other side of the coin and the possibility that this can be a more effective way for the future of the institute to develop. Notwithstanding that in the natural way in which things work, those will not be the overwhelming number of submissions that you hear. I am sure you are going to do that. I am sure, in the wisdom of the process, you are going to consider all those avenues.

Mr. Allen: I wonder to whom the minister suggests we should be listening. We have listened to him now for a couple of hours. We have listened to the Treasurer (Mr. Nixon). We have listened to the Minister of Education (Mr. Conway). We have listened to the president of the University of Toronto. Quite frankly, we have not been impressed. Where does he suggest we go to get this hypothetical other side that somehow has so much to commend it?

Hon. Mr. Sorbara: I do not have a list of individuals or organizations I can offer Mr. Allen to help him out in that regard. If it is the view of the committee that I should do that, I certainly would be willing to do that. Maybe that is the way we should proceed.

Mr. Allen: Did I understand the minister to say that he himself was not concerned to make his own evaluation of the value of the special activities of OISE, but that it should be done by some outside, objective committee?

Hon. Mr. Sorbara: That is right--well, no, not some outside, objective committee. I do not think this exercise and the policy of the government are primarily an evaluation of the program of OISE. That goes on. That goes on in the Ontario Council on University Affairs, the principal advisory body to me in matters of universities. That certainly goes on within the institute itself.

I reiterate that the exercise and the policy are not some sort of collateral evaluation of the program of OISE. To the extent that this committee has heard representations about how vital and important the work and programs of OISE are, you have been hearing representations about things which we as a government and as a ministry already know about. We already know that is the case. We already are convinced of that dynamic. We already feel the work of the institute is vital in the area of education, research into education and field work.

I am not saying you have been wasting your time or anyone else's time; I am saying we have confirmed that view with you here today. We disagree with you if your view is that all of that will somehow be destroyed when government policy is effected.

I do not believe that is the case. I am not sure from the thrust of the submissions you have heard--and you will know better than I--that there is solid evidence you have received to suggest that, in the event the union takes place, somehow, as night follows day, OISE will fall apart. I just do not believe it. If that is your view, perhaps that is a competing view and one of us five or 10 years down the road will be proven right and the other wrong.

Mr. Allen: To what testimony in all we have heard, is the minister referring as painting that kind of totally desperate, disintegrative scenario? You seem to be setting up a kind of straw man, projecting that as our view of the situation, and then suggesting that it is so totally wrongheaded to take that point of view. I think the situation is much more complicated than you appear to be giving it credit for being in taking that particular approach.

I have one further question. Obviously, this institution has its academic review process. The Advisory Committee on Academic Planning does that regularly with that institution; it does it with all other graduate institutions. I heard you make another rather curious comment, though, alongside the suggestion that those reviews should be the way in which the institution is evaluated. You also said there can be no objective judgement as to the value of one model or another with regard to the future of OISE. If you are not going to draw your own conclusions and there cannot be an objective model or assessment of a model, where do you go from there?

Hon. Mr. Sorbara: What I meant by that remark is that we simply cannot compare the vitality of OISE as part of a larger post-secondary institution to an autonomous institution.

Mr. Allen: Why not?

Hon. Mr. Sorbara: Because we have not had experience with the first such model.

Mr. Allen: I thought you gave us lots of models. You talked about a distance education program that was folded into an institution, the health sciences department at the University of Western Ontario.

11:40 a.m.

Hon. Mr. Sorbara: No. I am saying that we cannot objectively evaluate OISE as a part of the University of Toronto and OISE as an autonomous, free-standing institution because we do not have experience with the first model. We cannot establish criteria and compare how OISE works under one regime with how it works under another, measure the results and say one model is better than the other, because we have had experience only with the second model.

Mr. Allen: That is like saying I do not know whether I should get married because I have never been married before. Obviously, there are never any objective criteria in a future course of action in that sense. That is laying the absurd before us. It is not a reasonable argument. Surely the argument has to be on some more substantial foundation than that.

Can you give us some study that your ministry has engaged in and that you can table before us that demonstrates in some tangible way that there are real benefits to be gained in terms of the performance of this institution? Has such a study or a document been drawn up or commissioned by your ministry?

Hon. Mr. Sorbara: Studies have pointed in that direction.

Mr. Allen: Name them. Can you give them to us?

Hon. Mr. Sorbara: I do not have them available to me right now. There was the Marsden study of a few years ago and a similar study in 1975 that pointed in that direction.

Mr. Allen: Pointed in what direction?

Hon. Mr. Sorbara: Pointed in the direction of the union of the two institutions.

Mr. Allen: We have had various models thrown up to us; that is true. Processes have been undertaken to evaluate and to conclude whether those would be wise. All of them were inconclusive. None rejected the notion that there should be some measure of collaboration between these institutions. That is not the issue.

The question is, in terms of what your government has proposed, does a full merger have good or bad prospects for OISE and the world of education in Ontario? If I hear you correctly, you are telling us that neither the Treasurer, nor your ministry, nor the Ministry of Education has anything on the table before us that will demonstrate in any very effective fashion that the future union, as you put it, is good, bad or indifferent.

Hon. Mr. Sorbara: There have been a number of studies pointing in that direction. I am aware of a proposal for full integration of OISE and the faculty of education at the University of Toronto. I am aware of the 1975 study, whose name I cannot for the life of me remember, which was to the same effect.

My ministry will be evaluating in very concrete terms the proposal that comes forth from the institutions. I hope that will be a joint proposal. Then we will have more substance in real terms to evaluate in order to ensure the program you have been hearing about remains vital.

Mr. Allen: It is interesting that you, like the Treasurer, insist on going back to the special program review of 1975, which did suggest collapsing and virtually doing away with the institution. I find that an ominous starting point in the first instance. I am also surprised that you adopt that point of view because it was proposed by a government whose intent was to cut back its expenditures in a number of public sectors and to load those on to yet other public sectors such as municipalities and other institutions in order that they would carry the weight instead of that government. Your party protested that year in and year out as a policy.

Hon. Mr. Sorbara: I only adopt that to the extent it spoke to full integration. An awful lot has happened in the 11 ensuing years including, I am given to understand, dramatic improvements in the work OISE has been doing. It is not a matter of simply implementing a 1975 report; it is a matter of looking at the history of the institution, its relationship with the University of Toronto, its efforts at integration and its five-year affiliation agreements, and superimposing on that process a policy determination that our ultimate objective is to combine the two institutions. They should work together. The degrees granted a student at OISE are permanently degrees of the University of Toronto, not subject to a five-year affiliation agreement.

The conversations I have had with individuals who are important in that regard suggest this has been the general direction. The enunciation of that policy simply acts as a catalyst.

Mr. Allen: The minister keeps appealing to some rather broad generalities such as integration and synergy. I do not know from what guru you

got synergy or whether it is from the Liberal technicolour tradition manifesting itself once more.

Hon. Mr. Sorbara: I will not tell you about that guru; I may call upon him to come here.

Mr. Allen: You tried to use the example of Osgoode Hall Law School as though it was a prime example of how the principle of integration functioned and as though the movement to York University had something to do with some application of the notion of integration as a general principle and the benefits overflow.

If you look at the history of Osgoode Hall and what happened in the relationships within the University of Toronto Law School around people like Bora Laskin, the separation from the University of Toronto Law School in the first instance, then to Osgoode and the movement to York University, it is a process of differentiation and integration. The notion that integration is good in and of itself and one should therefore pursue it, which seems to be the substance of your argument, without a willingness or readiness to engage in the studies or table the studies showing why it is good in this particular case, leaves us baffled.

Hon. Mr. Sorbara: I was reading Hansard last night where the leader of your party chastised the Premier (Mr. Peterson) for setting up task force upon task force upon task force. It was as always an elegant question and in that case rather humorous. Are you suggesting we have yet another task force in this matter? I think not. I do not think we have announced a broad policy of integration and union and that union will be the dominating policy in the area of post-secondary education. It is not the case.

Mr. Allen: The minister suggests I was proposing this as an applied principle across the whole system. I was referring to his own application of it in this case. He is giving me the principle he enunciated in the first place with regard to this particular example.

Are you prepared to ask yourself whether integration has any specifically good consequences for the institution in question, given the history of the University of Toronto and the role of education in the University of Toronto? The University of Toronto has had a generation and more to do something about its faculty of education. On the surface, it does not persuade one that OISE should somehow or other be drawn into the rescue operation. I do not see why that follows as a logical proposition.

Why should OISE be given the task of rescuing the faculty of education, whether good, bad or indifferent, because there is a problem with FEUT and things are great at OISE? Why should the University of Toronto access those resources to do so? In the absence of any study or demonstrable evidence from the Advisory Committee on Academic Planning or anybody else in the system that this would be a useful or necessary thing to do, how have you, your ministry and the Treasury come to the conclusion that this is the course to follow?

Hon. Mr. Sorbara: I point to the first example I raised that you just referred to. I am given to understand that at Osgoode Hall Law School there was a determination that law schools ought to be participating members in universities as a matter of government policy.

11:50 a.m.

Mr. McFadden: I was there and that was not quite my impression.

Mr. Allen: In your discussion with my colleague from the Conservative party, Mr. McFadden, you seem to concede that out of the processes that seem to surround the university's faculty of architecture at the moment, that there might be some good thing that will happen down the road that would be called an independent school of architecture, which would serve well the architectural profession and so on.

How does one argue by analogy? I do not want to suggest that would be an argument for maintaining OISE, but you seem to be using the Osgoode school and the distance education program at the faculty of medicine at the University of Western Ontario as though somehow those analogies make your case right. Surely they are irrelevant in a sense. If you have a mystical commitment to integration, that is one thing but if you have a realistic streak in your body and in your mind, you have to ask about specific institutions or specific cases. What I do not hear from your government are the specifics.

Hon. Mr. Sorbara: I checked with my guru about mystical views of integration and he said I should not have any and I do not have any. This is not a mystical exercise. This an exercise which we believe, based on evaluations that have been done in the past and evaluations that are ongoing and negotiations that have been ongoing for quite some time towards union, to add the catalyst of government policy to bring it about. I reiterate that if, in your view, that will immediately start a process where the program and the work of OISE will be subject to attack, I think you do a disservice to the University of Toronto and, in a sense, collaterally a disservice to the program at OISE. I really believe you have to ask yourself the question whether in your view that does not say something that you probably are not wanting to say about OISE's program which, frankly, I do not believe is true.

Mr. Allen: I am glad you made that point. It reflects a rather curious analysis on your part of the actual state of play in the world of the university itself. Everyone concedes that the University of Toronto has an international reputation and that it does not just serve Toronto, it does not just serve Ontario, it does not just serve Canada and North America, and that there are distinguished programs of study and research that every one of us admires.

That is not the question. The question comes down to something with which you yourself are wrestling. You know very well you are wrestling with it. That is the question of university funding and maintaining quality in the system and access in the system. You know very well the pressures that every single institution in this province is under as a result of funding policies--whether you initiated them or not, they are still there--which maintain this system at a ninth-place level out of 10 provinces in terms of the per student grants that are given to our university system. That has meant incredible attrition in the university in a number of directions and you know that. You know the pressures they are under. Why would one want to argue that good things would necessarily follow for OISE from merger with any of the universities in our province, given the internal struggle that has taken place to maintain programs that are already there?

Hon. Mr. Sorbara: Are you suggesting to me that in the competition for resources we ought to make a special case of OISE and that it should be funded at a median level in Canada and that our other institutions ought to remain in ninth place? I think not. I think that would be unfair to the other institutions.

Mr. Allen: I have said no such thing.

Hon. Mr. Sorbara: Certainly, there is no doubt that once government policy has been implemented, there is a competition for resources. I do not think that is unhealthy. I agree with you that I have inherited this system of which I am not proud. I do not want to be ninth. Nevertheless, I think all institutions in the post-secondary field ought to suffer similar consequences from that reality. Frankly, I am of the view that in that competition for resources, given what I have heard and what I am beginning to know about OISE, they will not do badly. I do not think it is unfair to suggest that they participate in that rigour.

Mr. Allen: No one has suggested any absence of rigour. There seems to be a kind of--

Hon. Mr. Sorbara: But I sense from the comments that--

Mr. Allen: --phantasm in the minister's mind about what goes on out there. OISE is at present rigorously evaluated along with every other graduate program in this university system, but the competition for funds is based on those evaluations, and you know that very well.

Nobody is exempting them from that process. What one is saying is that the kind of institutional rearrangement you want to make is bound adversely to impact upon the specific devotion of funding to an educational objective that has been established in this province and that serves the province and the country well. In the absence of any evidence to the contrary, I do not see why you persist in the course of action you are following.

Hon. Mr. Sorbara: As do a number of other faculties and educational disciplines within institutions.

Mr. Allen: Well, that is true.

Hon. Mr. Sorbara: As they all do. The evaluation process is the same; the competition for resources is the same. I can only reiterate the fact that had our view of program, notwithstanding the evaluation, been different, the initiative would have been different.

Mr. Allen: May I come back to another point? The minister has an uncanny way of putting himself on the side of negotiation. He has referred to this committee as having impeded the process of negotiation by its investigation and the activities that have taken place around it, as though that was somehow unusually and uniquely political.

Is the minister telling us that the magic of negotiation was in no way affected by the announcement of the Treasurer in October? Is he telling us that the results of negotiation were wholly beneficial? Certainly, we have heard from every party concerned--whether it be the president of the University of Toronto or the director of OISE, the most immediate principals involved--that not only were they surprised by that but it undermined the process that was well under way, could have found some fruition and could have saved six months of nothing, in effect. A lot of back and forth has been created as a result of your intervening in a way in which, you now say, you do not want to intervene in the university system.

Hon. Mr. Sorbara: I do not think I said that. I think it is safe to say the initiative in the budget changed the direction of the negotiation. The process of negotiation began to accommodate that new direction. There were roadblocks.

I think it is safe to say--and I do not criticize the process--that the hearings of this committee have stalled those negotiations somewhat to the extent that we are operating in a different realm now. We are discussing the initiative as a political initiative with substantive implications. At the end of the day, however, the most crucial exercise will be how the parties openly sit down together and work out how they will implement government policy, or at least come to a final determination that they are not prepared to submit a joint resolution, if you like, of the union model.

In that event, we have asked that separate submissions be made, and you know what else we have suggested. In that context, we have hastened the negotiations for affiliation that were going on because we have requested that the affiliation agreement which was to expire be continued for a year. That request was granted, and that is the time frame we contemplate for that exercise to work itself out.

Mr. Allen: If I heard the minister correctly, in the midst of all the high-sounding phrases, you still repeated your statement that it is this committee that turned those negotiations into a political football. Is that what you are telling us?

12 noon

Hon. Mr. Sorbara: No, I did not say it turned it into a political football. I said it raised the level of the discussion. It raised the context of the discussion to the political level where it is appropriate for there to be some discussion. I think it is good, healthy and important. I believe in the process.

Mr. Allen: You are telling us indirectly then, if I read you correctly, that the Treasurer did not turn this into a political issue; that this committee did.

Hon. Mr. Sorbara: I am not saying it is a political issue. I am saying we are having discussions at the political level. Your colleague has introduced a private member's bill. This committee has determined to have the annual report of the Ontario Institute for Studies in Education referred to it so there can be broader political discussion. In a democracy, what more could you want? The energies in this matter have been directed towards this context, which is important, so that less energy has been directed to the other context, which is also important and which will deal with the substance of the terms under which we propose this event to take place.

Mr. Allen: Does the minister not recognize that this whole process was made necessary by the arbitrary announcement of the Treasurer in his budget speech?

Hon. Mr. Sorbara: That is one view of it. Others would have other views of it.

Mr. Allen: It would be very difficult to draw any other conclusion.

Mr. Chairman: I understand the minister wants to leave momentarily, at least that is what he thought when he came this morning. Would you like to stay a little longer now?

Hon. Mr. Sorbara: There is no doubt that I would like to stay a lot longer. I have enjoyed the opportunity to make my views known to the committee and to answer questions. I regret that I have an appointment at 12:30 p.m. that requires my presence elsewhere. In fact, it is at 252 Bloor Street West, an address that will be familiar to most people in this room. I would not mind getting a little nourishment in the interim. If there are a couple more questions we could deal with very rapidly--

Mr. Chairman: Maybe I could think of a couple, with the committee's permission. What advice did you get from the Ontario Council on University Affairs on this subject?

Hon. Mr. Sorbara: We have not received advice from OCUA on this subject. OCUA has a number of matters on which it gives us advice on a regular basis: allocation of operating grants, formula funding and that sort of thing. It has a regular agenda of advice that it gives to the minister periodically. Other matters it deals with are dealt with only upon a direction or a request from the minister for advice. I leave that option open. In the dynamic of things, it was important to have, should it warrant, the opportunity to consult with OCUA on the direction here.

Mr. Chairman: The report was referred here by the Progressive Conservative Party. Any sage observer or reader of Hansard for the past 15 years could have forecast that OISE would be mentioned in the Treasurer's first budget.

Hon. Mr. Sorbara: I have not yet had the opportunity to review all 15 years of Hansard, but I take you at your word.

Mr. Chairman: There are volumes in there about this very subject.

The problem we are having can be summed up this way. I understand that marriages are still arranged for people in some countries. That has not been the case in Ontario, at least up until this point. You are trying to marry OISE and the University of Toronto. OISE objects, and we cannot get any enthusiasm out of U of T at all. I know this is not the place to negotiate the agreement, but what you are imposing lacks enthusiasm everywhere we go, as I understand it.

If you know of some way for us to hear that other group you referred to a couple of times in your remarks, we would like to talk to it. We have not been able to find it. I thought you might want us to talk to OCUA, but that does not seem to be the case. That is the dilemma we as a committee have, and I think it is valid. We have listened carefully and politely to everybody who wanted to come before us and we have a real problem with this so-called marriage.

Hon. Mr. Sorbara: I point out that the divorce rate in North America is not something we can be proud of and sometimes, notwithstanding that it is not my view of things, arranged marriages can be very effective ones, although I am not a great supporter of that approach in the world of personal relationships.

I sympathize with your dilemma. I do think, however, there is an opportunity and I will consider and take under advisement the request for additional submissions or witnesses to appear before the committee. I will get back to you on that.

The committee has a number of options including the option of questioning government policy, if that is the view of the committee, at the same time encouraging the institutions through your recommendations at least to pursue jointly the policy that is being proposed. We look forward to that submission. I personally look forward to it and to finding the very best possible means and structure to effect government policy. I am committed to that policy and committed to pursuing those avenues we have identified.

I end by saying the structures we have put in place are not designed to be arbitrary or appear to be arbitrary. I think they can and will work. I will take under advisement your suggestion that that point of view be presented here in another fashion to the committee.

Mr. Chairman: Thank you very much. I would like to have the committee stay for a moment or two to talk about further agenda.

Ms. Bryden: I want to table a letter that I would like all of the committee members to see. It is a letter from Garnet McDiarmid, professor of educational theory at the Ontario Institute for Studies in Education. He has written this letter to the Minister of Education on the role, in particular, of the board of governors at OISE and on the general discussion. I know some members of the committee received a copy of the letter, but I think all members, as well as you, Mr. Chairman, will benefit from seeing it.

Mr. Chairman: Thank you.

Because of budgetary considerations, the Treasurer is unable to return to the committee next week. We are attempting to arrange for him to come two weeks from today. I do not believe that has been confirmed yet. It has been confirmed verbally, but not in writing. What do we do next week?

Mr. Pollock: You mentioned two weeks from today.

Mr. Chairman: I am sorry, three weeks from today there are reasonable grounds to think the Treasurer will appear.

Ms. Bryden: When will that be?

Mr. Chairman: It will be on May 29. If we get legislative approval, we will be considering Bill 75 in other places two weeks from today.

Ms. Bryden: Then next week, as far as plans go, is open.

Mr. Chairman: That is correct.

12:10 p.m.

Ms. Bryden: Would it be possible before we conclude our hearings with Mr. Nixon to start talking about the sort of things we would like to see in the report and discuss it with our researcher informally before he produces a draft?

Mr. Chairman: I think that will be possible. We should have Hansard within a couple of days of the presentations by Mr. Conway and Mr. Nixon. We could meet in camera next week, if you want. Any other points to deal with?

Mr. Allen: Not on that, Mr. Chairman. I am becoming increasingly persuaded that there is very little we are going to learn from the Treasurer in further appearances. I do not know how the rest of the committee feels.

Mr. Chairman: I have no idea how you would come to that conclusion, but you might be right.

Ms. Bryden: I would still prefer us to have a further session with him, particularly in light of other things we have heard since then.

Mr. Chairman: Would the committee agree that we still ask for Mr. Nixon's appearance on May 29 and that we meet in camera next week to discuss the various aspects of the report and to further discuss the matter which Dr. Allen has raised?

Mr. McFadden: I am the most affected from our caucus as I am on the select committee on economic affairs. Unfortunately, they are both scheduled at the same time. I will attempt to be here next week. I do not if that committee is going to meet next week.

How long would you expect that session will be? Is this a preliminary meeting to talk to our researcher and give him overall directions? I take it we will not be looking at any drafts at that point. Really, what we are talking about is how we are going to approach it. Is that correct?

Ms. Bryden: We could meet in the afternoon, could we not? Would that be convenient for Mr. McFadden?

Mr. Allen: Thursday?

Ms. Bryden: We are authorized to meet Thursday afternoons as well as Thursday mornings.

Mr. McFadden: That is going to be helpful to me.

Mr. Chairman: When you ask how long the meeting will be, Mr. McFadden, I never cut anybody off. It is really up to the committee how long it will be.

Dr. Gardner: Speaking to Mr. McFadden's question, what I have available now is the draft of the summary I have prepared for the committee on the major concerns and recommendations that we heard in our different hearings. What I have not included in that so far are the appearances of the ministers. It would be best if we had Hansard to confirm my own handwritten notes of that.

On the other hand, it would be easily possible for the committee to have on hand the summary of all the other input we have heard so far, or that summary plus a more tentative version of what the ministers have said so far. Either of those possibilities would be easily arranged by next week. That could be useful for preliminary discussions, directions for report writing and so on.

Mr. McFadden: Mr. Chairman, it is simply my schedule. I do not even know if my committee is meeting. It would be two weeks running if they are meeting next week. I wondered if we could make some juggle of our opening time, but I know that is just to accommodate me. Maybe that is not possible, but it would be helpful to me. I do not know how the other members feel about an early start.

Mr. McGuigan: I am substituting, so I have no input in the area of what dates you are concerned about.

Mr. Chairman: I hear what Mr. McFadden is saying. The problem is that it may be a big problem for our VIPs to change. I know what my schedule is for next Thursday. Thursday morning has been left open, and I think it has in the schedule of everybody else who is on the committee. If we go to the afternoon, it is a different case.

Mr. McFadden: Can we try nine o'clock Thursday morning? Would that be any use?

Mr. Pollock: Pretty early.

Mr. Chairman: How would it be if I consult with Christine and Marion if we want the change? Otherwise, we will say 10 o'clock. If there is something burning, we can discuss it, and you can see whether your committee is meeting. We may be talking about nothing here.

Mr. McFadden: Since I was not there this morning, I have no idea.

Clerk of the Committee: I will find out for you.

The committee adjourned at 12:15 p.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT
BILL 75, EDUCATION AMENDMENT ACT
THURSDAY, May 22, 1986



STANDING COMMITTEE ON GENERAL CONVENTION

CHAIRMAN: McLaude, G.P. (Dufferin-Simcoe PC)
VICE-CHAIRMAN: Dean, G.P. (Ventworth PC)
Bryden, M.H. (Beaches-Woodbine NDP)
Cousens, W.D. (York Centre PC)
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Hart, C.F. (York East L)
Henderson, D. J. (Humber L)
McKessock, R. (Grey L)
Newman, B. (Windsor-Walkerville L)
Pollock, G. (Hastings-Peterborough PC)
Pouliot, G. (Lake Nipigon NDP)

Substitutions:

Hennessy, M. (Fort William PC) for Mr. McCague
Poirier, J. (Prescott-Russell L) for Mr. Newman

Clerk: Deller, D.

Witnesses:

ALLIANCE QUEBEC

Dowie, Vaughan, Executive Director
Murphy, Martin, Co-Chairman, Education Committee
Copeman, Russell, Program Assistant, Education Program

ENGLISH-SPEAKING PARENTS' NETWORK

Hollywood, Allan, President
Clark, Ross, Co-ordinator

QUEBEC ASSOCIATION OF PROTESTANT SCHOOL BOARDS

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Irving, Colin, Lawyer
Cochran, Dr. George, Secretary General

EASTERN TOWNSHIPS SCHOOL BOARD

Mr. Matthews, Assistant Director of Education
Orr, Royal, Co-ordinator, Co-operative Education

--- Upon commencing at 9:15 a.m.

The Chair: We finally have a quorum of our Committee with the arrival of the most important member, the one who constitutes the quorum brought in by faithful Mickey, the gendarme. So we welcome the members of the Alliance Quebec. I think we do have three chairs. Yes, good. As our first people, thank you very much for coming at this reasonably bright and early hour gentlemen and we regret that we are a few minutes late starting.

Mr. Dowie and Mr. Murphy and Mr. Copeman, correct?

Should we introduce the members of the group -- of the Committee?

My name is Gordon Dean, I am the Vice-Chairman of the General Government Committee of the Ontario Legislature. Our Chairman, unfortunately, had other business that prevented him from joining us today.

The clerk to whom you have been speaking is Debbie Deller.

We have, on my right, Christine Hart and Bob McKessock, members of the Liberal Party of Ontario.

Next, we have Jean Poirier, also a member of the Liberal Party.

Mickey Hennessy of the Progressive Conservatives, Luc Guindon and Jim Pollock of the Conservatives. Don Cousens, also of the Progressive Conservatives and Gilles Pouliot of the New Democratic Party.

And we represent a wide geographical selection too. We are fortunate to have two northern members here. One from Riding Nipigon, one from Fort William, excuse me, I almost said Thunder Bay and we also spread along the southern part from east to west.

We are very much interested in hearing anything that you will have to say about the way in which the Province of Quebec has dealt with the minority language education and particularly the governance of the school system here.

Do you have any opening remarks you wish to make -- is it Mr. Dowie who will speak first, or Mr. Murphy?

Mr. Dowie: We thought, Mr. Chairman, it may

be useful to spend just a second explaining a little of what Alliance Quebec is.

First of all I guess we should welcome you to our Province and our City. It is very good to see you in the home of the future Stanley Cup champions.

The Chair: You have an avid hockey fan here.

Mr. Dowie: You could probably attend a game tonight.

Mr. Poirier: I support the Canadians.

Mr. Dowie: Ah, wonderful!

Alliance Quebec is a community organization representing the English-speaking community of Quebec. It is broad based democratically elected organization. Our board and executive on our policy is determined at a convention that is held annually. This year, in fact, if anybody would like to come, it is being held from May 30th to June 1st in Ste. Anne de Bellevue where we get about 500 delegates from across the Province.

We have 18 chapters affiliated through the Alliance throughout Quebec. There are about nine in the greater Montreal area and there are another nine around the Province and about 5 regional associations attached to the Alliance which means that we really span the entire Province from the Outouais to the Gaspé; from the Saguenay Lac Ste. Jean region down to the Eastern Townships and the Chateaguay Valley on the American border.

Wherever there is an English-speaking population almost everywhere in Quebec, we have pretty well a chapter or an association affiliated with Alliance Quebec.

We are also composed of organizational member groups that span the range from theatre companies like the Centre d'Arts Theatre to organizations like the Quebec Association of Protestant School Boards who, I understand, you will be seeing later today; teachers unions, organizations representing principals, school administrators, health and social service institutions.

It is really an attempt to try and provide a forum for the English-speaking community, to try and allow the English-speaking community, to the extent possible with a community as large and diverse culturally, politically, regionally as we are, to try and speak in a united fashion and try and debate the issues

that are facing our community both as residents in the Province of Quebec and citizens of Quebec and on national questions dealing with language reform, for instance, or constitutional questions, etcetera.

In the area of education, of more particular interest to you, we have had an on-going education program in all of our chapters around the Province plus taking a position on issues of particular concern provincially. These include positioning ourselves on the attempt by the Government of Quebec about two years ago to introduce legislation on school board reorganization in its final stage and that was a long struggle that started with something called Bill-40 and ended up being something called Bill-3. It ended up being declared, at least in the Superior Court of Quebec, as ultra vires in that it did not fully protect the guarantees of article 93 of British North America Act of which I am sure, if you were not acquainted before, you are now well acquainted. Mr. Irving, I understand, is coming today and I understand he can go on forever into the questions of question 93 and the situations that that causes and allows.

We are also involved in a number of other kinds of education questions, promoting the improvement of French as a second language in English schools, looking at the questions of rural education and education in small schools, adult education questions, et cetera.

I think we are an organization that tries to deal with the various issues that confront our community whether they be macro issues or micro issues. And in education like other dossiers, we do the same in health and social services and a number of other dossiers. We have a relative complete, I would think, approach for a community organization to look at those kinds of questions. I guess the most analogous organization that you would be familiar with would be ACFO in Ontario which is kind of our brother or sister organization in Ontario.

Just finally -- and then I will -- I think probably the best way to proceed is since we do not know exactly what are the points that you are struggling with, it would be best probably to deal with questions or comments from the Committee.

Finally, I just wanted to say that I know that -- I was at the Executive Committee of our organization last night -- and they asked me to convey to you the fact that we welcome improvements in the situation of minorities wherever they live in Canada. The attempt through Bill-75 seems to be going generally in the right direction. I think ideally the position of

Alliance Quebec is one that moves to more clear control and management guarantees.

The "board-within-board" concept is one that at least had been proposed in Quebec in the past. Our personal -- our organizational preference -- are clearer control management guarantees if that is possible. In Quebec I think there are a number of interesting examples that not only you could get from us but the other people that you have coming today. You have an interesting group with Eastern Townships and with QPASB.

We have some experience in Quebec in trying to deal with these questions. We have not yet been able to deal with the crucial question which is: how do you set up linguistic guarantees within a system that is designed to protect confessional guarantees?

I think that is about all. The only other contact that we have had in Ontario is we met recently with Association Canadien Francais des Entre Sol des Conseillers d'ecole provincially and also the region in Ottawa-Carleton that is dealing with the Committee Roi in Ottawa-Carleton. I have also been trying to work with them in trying to figure out how, together, we can examine the question of confessional and linguistic guarantees and how to rationalize and harmonize those guarantees.

The Chair: Do the other members wish to make a comment at this time? No? Okay, thank you.

First we have Mr. Hennessy and then Mr. Poirier.

Mr. Hennessy: If I may ask, how did this Alliance Quebec -- was it formed in regards to the problem that we are discussing this morning, or was it there all along?

Mr. Dowie: The Alliance was formed out of a number of different initiatives that took place in the late 70s -- more especially in the late 70s -- where there was a real attempt to some extent, I would imagine, the catalytical gun to the election of the Party Quebecois in the 1976 but in the end it was inevitable that the English-speaking community organized itself in such a way as to better represent itself in its interests and its vision of Quebec in Canada. And so there were in the late 70s a number of organizations; the Positive Action Committee, the Participation Quebec, which then mutated themselves into other organizations such as the Council of Quebec Minorities.

Those organizations, in the end, decided to merge and to create a structure of a grassroots membership organization. The other models had been organizations of organizations, a kind of coalition model, and they decided to form a grassroots organization. We now have a membership, for instance, of about 40,000 people across the Province. But I guess the genesis can be traced to about 1977.

Mr. Hennessy: Well, then, that meant these other organizations that came in, were they other ethnic groups that came in to form the alliance? Or were they all English-speaking?

Mr. Dowie: Well, the way that we examine that question is really to talk about the question of linguistic communities. Our basic idea that we try to get across on this is -- because where you end up with English and ethnic -- is that basic conflict over multiculturalism and bilingualism and how are they compatible or not compatible. And basically what we try to tell people is that there are in Canada two linguistic communities. There is a community that functions and communicates in English and communities that function and communicate in French. Both of these communities are multicultural in nature.

If you look for instance at Quebec in particular, the French community is not a culturally homogeneous community. The French community in Quebec is made up of Vietnamese, Haitians, people from France and people from the French Caribbean, and people from French Africa and people who can trace their history back to Champlain, Jacques Cartier, or somebody, when they arrived.

Similarly, for the English community, the English community is also a multicultural community. That is something I guess you are aware of in Ontario, is that people who use English as a language are Italian, they are Ukrainian, they are Greek, they are Portuguese, they are from the West Indies, they are from Africa, they are from Europe and so we do not deal with the question of English and ethnic, we try and look at the question from the point of linguistic communities. It does not preclude in any way those communities being multicultural and have multicultural presences and the ability to function in the multicultural manner. There is no such thing really as English culture, or, really, as French culture.

Mr. Hennessy: The name Alliance Quebec, it is hard to distinguish it. Were you a group that was for the English language at that time? I am aware -- I do

not know the date -- there was a big uproar here from the Italian community in regards to not being allowed to attend an English school or a French school, whatever it may have been at that time and there was a big fuss over it. I am going back quite a few years. Was your group formed to preserve the English rights or is it a group formed to take everybody in. The name is misleading.

Mr. Dowie: The group was basically formed to represent the views and interests of the English-speaking community of Quebec. So our membership is not closed, there is no kind of language test to join the organization, but its basic goal is to represent the English community. That is, in some cases, to promote what the newspapers like to call an "English rights activist group," and some of that is to promote Quebec in general across Canada, when that is appropriate and necessary. But in terms of -- you were asking the question who is our membership base -- our membership base is basically English-speaking people in Quebec.

Mr. Hennessy: Well, rather than take up too much time, I will pass to the next --

The Chair: Thank you, Mr. Hennessy.

Mr. Poirier?

The Chair: I should say, Monsieur Poirier.

Mr. Poirier: That does not matter. Thank you, Mr. Chairman: Pear Tree, yes, right.

As the former Community Development Officer for six years with ACFO and having worked very closely with Alliance Quebec, it is a special pleasure to be here today and thank you for the welcome. It is nice to be back in Montreal.

I guess what we wanted to know -- the main reason why we came to see you -- would be to try and find out -- I mean, politicians, parliamentarians, Alliance Quebec, ACFO can sit down and write themselves a ticket as to what they think is the best solution to answer real needs.

What would be interesting to know from Alliance Quebec would be to find out, if you had to write your own ticket to answer the needs of the English-speaking population in Quebec pertaining to education, what would be the ideal system that you would present to the Quebec Government for your needs?

Mr. Murphy: Our position is one to advocate the creation of linguistic boards. We have found that --

you see -- we are talking about the serious decline in enrollments through the Province. Then it is more and more difficult to claim that we can provide quality education. With the decline in enrollment and the consequent, the resultant lack of funding, it is more and more difficult to claim that the children in the far reaches of the Province can enjoy the quality of education that you can where you have a population base to justify all of the diverse services that we believe that the children have a right to have. And so, as we look back in our history, we want to recognize that the Government of Quebec in providing free education from kindergarden to and including the CGEP, which is the two-year college after the high school which ends in secondary 5, or grade 11 -- that is a good thing that I want to recognize -- that all citizens of Quebec enjoy free education up to and including grade 13, whether you are Catholic, Protestant, all citizens of Quebec.

And so, if we look back in our brief history we see that -- you know -- in the 1950s and 1960s, you had the numbers there to manage but with the serious decline, particularly accentuated since 1976, especially, I would say, because of Bill-101 and the exodus from the Province of an important percentage of our community as well as the declining birth rate -- it has had a serious impact on our school boards and on our schools.

You have also the question of Catholic Boards and Protestant Boards. In Catholic Boards in the Province they are responsible for providing education for those who are Catholic, which happens to be French and English. And so while we have a few boards that have treated the English Catholic minorities very well, and I would say there are very few -- and they are particularly -- maybe I could narrow it down to one or two on the island of Montreal. The others, and we are talking about 248 school boards in the Province of Quebec, 33 of which are Protestant. I am close there, there is 32 or 30, I am close.

The fact is that the English Catholic minority have not had a population sufficient enough to have parents elected to the Board of Commissioners in order to represent or protect the interests of the English Catholic minority. And so what has happened is while, on the one hand we have had good will -- I want to recognize that -- from many Catholic Commissioners to do their best, I have to say as well that there are many who found that we were a nuisance and so it was simple to engage ententes between the Catholic Board and the Protestant Board for the education of Catholic children.

Then in the Protestant system you have a

population that includes a very large percentage of English Catholic children whose parents are really disenfranchised because they do not have the right to run for election, to have a voice in the education of their children who have been given over by the Catholic Boards into Protestant Boards for the education of their children.

And it is interesting -- there is a notion that exists even in the present here in Montreal still in 1986, I am sad to say, that we have the Catholic population who are French and the English population who are obviously Protestant. But the fact is that among the English population of Quebec it is close to 50-50. I could even say that, if one wants to be technical, we would have a population of about 50 per cent who are English Catholic children, about 33 per cent who are English Protestant children and there is about 17-18 per cent are what they call "other". They are not pure Catholics or pure Protestants. But among the 17 per cent who identify themselves as "other", you have among those English Catholic children whose parents see the lack of quality education that the Catholic Boards can provide and so want their children to enjoy a higher quality of education that exists in their neighbourhood, which happens to be in a Protestant school, you see.

So that explains that why, among the 17 per cent, we have a population who are English Catholic and we have others have not declared themselves as being Catholic or Protestant.

So as I get up now to 1985-86 in our position here in Alliance Quebec to support the creation of linguistic boards, it is because in order to preserve our cultural identity, we must do something about the status quo. The status quo is not acceptable if we want to preserve our culture as English-speaking citizens in Quebec, because, you see, if the parents send -- with the decline in enrollment -- we have to manage to get together in order to preserve our institutions.

And -- well, I guess ---

Mr. Poirier: You have given a very good historic respect of the reasons of why you are where you are right now. But I still would like to know: what would you want? Obviously there seems to be a preference for linguistic boards rather than religious boards and I know this is creating -- there is quite a debate on this right now. Where are you at with the Government right now? Historically you have had religious boards. Now it seems to be a preference, but is there a legal pauchaunaud (phonetic) for linguistic boards? Is that

going to become a reality? Is it still at the debate stage? Or where is it at?

Mr. Murphy: Well the Minister of Education confirmed to us that he would search for a consensus in the community before he would move in terms of this direction or that direction -- a consensus. But I would ask, maybe, one of my colleagues here to elaborate on that items in terms maybe some news that we have, but the intentions of the Ministry. We want linguistic boards because we believe that the English-speaking people under that authority can manage and control, direct their destiny in a better way, than we can with any other formula. We are going to have a merger of the English-speaking population. You will have numbers that will justify an organization that can provide quality education and in terms of respecting the confessional demands, the needs, rights of the parents, in each new linguistic board that we advocate should be created through the Province.

At the board level we will have Catholic parents, Protestant parents, other parents who can be elected as trustees. And so then, at the Board level in terms of management, likewise. And so within the territory of this new board that we advocate should be created, we should endeavour to respond to the wishes of the parents that we represent so that if the English Catholics want to continue to enjoy their English Catholic schools it is very possible to designate certain schools and Catholic and, indeed, others non-Catholic. And this where numbers can justify it.

If we go to the rural parts of the Province it will not be easy. It will be almost impossible now in most cases to manage to respond totally to the wishes of parents. So what you have to do is to manage to get together and have English schools and within the English schools provide religious instruction for those parents that wish it for their children.

Mr. Dowie: If I could just supplement that answer a little bit in terms of what the legal situation is now. There was a long and arduous debate in Quebec over the question of school board reorganization and basically the formula that was arrived at -- that was passed by the legislature -- was one that moved toward a linguistic board model while providing what we are seeing as the article 93 guarantees confessionally at the school level which would have allowed a community, the school community, to decide the confessional designation of their school or have the ability to have multi confessional schools. That because of a case taken by the QAPSB, who I guess you will see two people from now,

was declared unconstitutional by the Superior Court on the grounds that it violated the 93 guarantees.

Basically what Alliance Quebec has been advocating most recently is that there should be in the current round of constitutional negotiations between Quebec and the rest of Canada, some examination to ensure that section 23 -- one of the arguments in the English community -- let me back up for a step -- against the Bill-3 proposal was that this was a legislative guarantee from the National Assembly of Quebec to have linguistic boards and would abrogate a constitutional guarantee which had worked in practice to at least guarantee English Protestant education. And the line became very thin between what was English and what was Protestant. And so the argument was that one should not supplement or replace a constitutional guarantee -- i.e. 93, with a legislative guarantee -- i.e. a law. Taking that into consideration it seems to be recorded, at least as seen, that it has not been constitutionally possible to implement Bill-3, at least in the first instance decision.

The Alliance, then, maybe what we have to look at in the current round of constitutional negotiations is to make explicit the guarantees of article 23. One of the problems, again, is that article 23(3) is not explicitly clear. The current judgment in practice is the one in your own province in the actual reference case. The data is being litigated all over Canada right now. There is a reference case in P.E.I., there is a Bounier (phonetic) case in Alberta that we have intervened in; there is another one, I understand, coming in Saskatchewan that is at the declaratory judgment stage. That whole question of what 23(3) means does not really mean control. Management is still yet to be put to bed and ideally we would have liked the Ontario case to have gone to the Supreme Court for further clarification.

So legally, that is the position, that there is an unclear guarantee in 23 with the relatively clear guarantee in 93. And so basically the position of the Alliance is that if 23 is not clear enough, then let us make it clear. Mr. Lemoine (phonetic) in his speech in Mont Gabriel 10 days ago when the first constitutional position of Quebec -- really of the new government -- was announced, had on his shopping list 23(3) -- to make explicit the guarantees of 23(3) -- which would then allow for the possibility of a replacement in Quebec and possibly Ontario if that was a direction the Province wanted to take, of some how managing the confessional guarantees. For instance, putting up at the school level and making the guarantees at the board level. That is

really where we are in terms of the action taken by the government.

As Martin said, governments are prone not reorganize schools and we have a very strong consensus. And, because it is a very explosive and decisive issue and politically very explosive as well, the previous government, the *Partie Quebecois*, in the end, had only two real strong allies on the school board reorganization question and that was the *Conference des eveques de Quebec*, the *Conference of Bishops* and *Alliance Quebec* was a very strange group of bedfellow with the *Partie Quebecois* saying that this is the direction we should go in.

We now have to start rebuilding that consensus if we want to look at any questions of reorganization.

Mr. Poirier: Could you elaborate on that?

Like how would the religious groups have been involved pro or against the debate for linguistic boards. I have heard -- and then you just mentioned and given in passing -- that the *Quebec Bishops Conference* was supporting this principle. How about other religions? How have they partaken into the discussion pertaining to the shift towards linguistic boards?

Mr. Murphy: I could say that while the *Catholic Bishops* had one position, that position was not unanimously endorsed by the whole religious groups. When I speak about "religious groups", let me make a distinction here. Let me say that the *Association of Directors of English Schools* which represents the *English Catholic senior management*, the *Quebec Association of Catholic School Administrators*, representing the principles, the *Provincial Association of Catholic Teachers*, representing obviously the *English Catholic teachers*, all unanimously endorsed the concept of linguistic boards; the *Association of Directors General Protestant school boards* and also the *Quebec Association of School Administrators*, which are the *English Protestant principals*.

So these six groups that I can think of at this moment all unanimously endorsed, I believe -- enunciated -- endorsed, yes -- the concept of the creation of linguistic boards. So it is true that the *Catholic Bishops* -- I understand too that there were certain *Jewish groups* that had serious reservations about that concept of linguistic boards.

Mr. Dowie: One of the problems, then, like any other piece of legislation that is as complex as that

law attempted to be -- and I imagine if you have been a copy, you have seen how thick it is -- was that there were a lot of trade-offs in that obviously to the point where no one was completely satisfied with it, including Alliance Quebec. We had asked for a Reference so that we would not be put in the situation that we are in now before the law was sanctioned.

But there was, for instance, a lot of religious groups who were afraid of the process of the school designation which really almost became a plebiscite on how the school was to be designated: was it to be Catholic? Was it to be neutral and try to take that kind of a raw vote? And, really, the force of numbers that could in the end have been a very divisive situation and certainly not work in the interests of the smaller minority groups who -- for instance, the Jewish community -- would much prefer a neutral school system. Obviously an English, or Catholic and Protestant system does not work for them or does not work of Moslems, or does not work for a number of other groups.

There were some hesitations about that kind of process but I think, by and large, people found that it was better than the situation now in some cases. You would not hear that coming from the Quebec Association of Protestant School Boards who were very, very strongly against it. But by and large, it was the kind of compromise that everybody is willing to accept though no one was completely happy with it.

Mr. Poirier: Yes, I was going to say I could have questions for hours but then I am sure there are some other people.

Thank you.

The Chairman: We have Mr. Pouliot. Mr. Pouliot?

Mr. Pouliot: Mr. Chairman, messieurs, Monsieur President.

If I may, I quote the sentiment expressed by my colleague. I too am very pleased that you have paid us the compliment of some time and more specifically of your visit this morning to help us in our dilemma. It has not reached an impasse yet but you would be well aware that we debated Bill-75 and we found some parallel and some analogy with what has been your experience.

Broadly summarized, I only have one question.

When we talk in terms of -- when you inform

us regarding English-speaking minorities or English-speaking of board representation in the Province of Quebec, are we talking in terms of -- are those boards homogenous or are they are integrated in any form? Are the boards homogenous?

Mr. Murphy: If you speak about integrated as I define it, we have both situations. We have integrated in terms of being responsible for elementary and secondary education and we also have boards that are exclusively, let us say, elementary education. So in that sense, if that is what you mean by integrated, we would have the different types.

Mr. Dowie: But I think you are talking about religiously homogenous. Are you talking about religiously homogenous?

Mr. Pouliot: With respect, if I may, the grand lines being the specific English representation of the school board level. And I know it is too simplistic a question, but I would like you to define, broadly summarize again, the concept. How does it work?

Mr. Murphy: Well, I guess the two situations would be -- let us take in the case of Catholic boards -- in order to be eligible to serve as a Commissioner, or Trustee I believe you call them, one would have to profess the faith -- that faith, okay, to serve.

And so on the Catholic boards in the Province you have Catholic parents elected as Commissioners and also among the Catholics -- in most cases they are all French-speaking and in isolated cases, particularly in the Montreal area, you would find among them, let us say, English-speaking Catholic parents serving as Commissioners.

Also, on the Board of Commissioners you would have in the case of an integrated board -- which I define as responsible for elementary and secondary education -- you will have two parent representatives that have the right to speak at all board meetings and to serve also as members in Executive Committee but they do not have the right to vote.

Now, the same situation pertains on the Protestant side as I understand it. If I understand it well is that here again one would have to be of the Protestant faith to serve as a member Commissioner, except now I think there is a -- let me elaborate in terms of non-Protestant people who can serve -- maybe you can bring that up ---

Mr. Copeman: Traditionally the situation in the Protestant boards was that one had to be a registered Protestant or traditionally also registered within the group called "other", which included people of the Jewish faith. Traditionally, it had also included to some extent, other religious affiliations. But it was, at least traditionally -- the Protestant boards in the Province of Quebec was less confessional than in the Roman Catholic Boards -- that the religious minority groups felt most at home in and as a result they were given the power to vote in school board elections and given the right to stand as Commissioners.

For instance, in the Protestant School Board of Greater Montreal which is the largest Protestant Board, there have traditionally been a number of school Commissioners elected by the population at large of the Jewish faith. So in that respect the Protestant boards tended to be slightly more diverse in terms of their religious make-up than the Roman Catholic ones.

Mr. Pouliot: Thank you.

The Chairman: I take it in short, very short, that this situation is very similar to what there is Ontario where we have the Roman Catholic Separate School Board which is set up in legislation and then the public non-Roman Catholic Board which could be everybody else -- or very similar to that.

Now, I do not want to barge in on other people's time, but does the taxpayer here have the right to say which board he wants to direct his taxes to?

Mr. Murphy: That was the case. I believe there -- and this would have to be verified, I am not speaking with authority when I am saying this -- I believe that certainly I can give you my own experience as a homeowner. I had to, in the 60s and 70s, designate where I wanted my taxes -- to which Board I wanted my taxes to go to.

But there has subsequently been some legislation and, I think it was around 1971-72, which changed that because I certainly do not designate. It goes, let us say, to what we have here, the Island Council on the Island of Montreal, that has the right to assess up to 6 per cent tax for educational purposes. The balance of the funding for educational purposes comes directly from the Ministry of Education to the boards. And so my experience is that I personally am not designating it to one or the other if it goes for the education because, as I remarked earlier, all citizens eligible to receive primary and secondary instruction,

including CGEP, receive free funding, free education.

The Chairman: Mr. Guindon?

Mr. Guindon: Good morning to you.

The question I have is kind of broad but maybe you could narrow it down. I would just like to know if you could explain what guarantees do the English-speaking people in Quebec have in regards to their language and in regards to services.

Mr. Dowie: In general?

Mr. Guindon: Yes.

Mr. Dowie: Provincially there are no guarantees to services. Your Bill, for instance, that was introduced recently by Mr. Grandmaitre, is well ahead of what we have. We have no guarantee to receive provincial government services in our language. In education the guarantees are secondary in that confessional guarantees have given access to English language education. And legislatively, our guarantees lie within the Constitution, Article 133, which provide for the use of English viz-a-viz the Federal Government and the courts in the legislature of Quebec; the right to use English in the legislature of Quebec is guaranteed through Article 133 of the British North America Act. And that is basically it.

There is currently discussion of legislation that will be before the National Assembly, hopefully next session, which will give guarantees of English in the reception of health and social services -- it would be a little further, in fact some extent further -- I am aware of some legislation in Ontario that dealt with it out of the Ministry Services, I believe, on Children's Aid services but it would be more inclusive than that -- health and social services in English and to have some institutions designated as English. But that is not even on the books yet and there is only talk of that right now.

So legislatively from the Province in a capsule, we have no right to government services, we have no right to health services, and the guarantees that we have lie in Article 133 of the British North America Act. Most of the guarantees rely on precedent and just good faith and I am not saying it is not possible to get provincial government services but they certainly are not guaranteed. And, in fact, Bill-101 to some extent restricts the ability of the State to respond in a language other than French.

Mr. Guindon: Do you feel you have -- I do not know how to ask this question, but I will try -- do you have political clout?

Mr. Dowie: Do we have political clout? I think the English community has a certain amount of political clout. I mean, we represent a population of somewhere around 800,000 people in Quebec across the Province. That gives us a certain amount of clout. Being organized does not hurt. Yes, we have political clout. Not as much as we would like, but who has what they would like.

Mr. Guindon: That is right. Thank you.

The Chairman: Thank you. Mr. Cousens?

Mr. Cousens: I am appreciating very much the contribution you are giving to our process of thinking this through. I wonder, just before I get to the main question of Bill-75, Alliance Quebec, how are you funded? Is it through individual memberships -- just to go back into that.

Mr. Dowie: Well, we are funded three ways. One through individual memberships; secondly, we have a fund raising campaign that is an ongoing one for anybody who would like to contribute, they are more than welcome to do so; and third, we get funded under the Official Language Communities Program of the Secretary of State, which is the same program that funds the Francophone organizations outside the Province of Quebec. And so that is our major grant and then we raise about 25 per cent privately, either through membership or through fund raising activities.

Mr. Cousens: I appreciate knowing that. I might start such an organization for my little minority group back home. I am not just sure which minority I am part of anymore. It might just be a political minority.

I am concerned at what point does a minority have a say? For instance, in some communities it is much easier I am sure on the Island for people to have a say because you can be organized and there are numbers and you become a viable, responsive group. But if you get into some of the other parts of the Province where you only have a very small number, at what point then does that number become a viable number to say all right you should have a say on schools, you should have a say on community services in support? Do you have any way of giving degrees of importance to the size of the minority when it becomes larger or smaller?

Mr. Dowie: We have never really addressed the question directly of what number warrants which, is, I guess, really the thrust of your question.

In education, for instance, we have and the Quebec Government has shown the ability to be able to offer English-language education anywhere in the Province and there have been -- technically, again, I would suggest that you address this to the QAPSB later -- but there have been some interesting board experiences such as, for instance, Eastern Quebec Regional School Board which is an enormous school board territorially -- geographically it goes somewhere from the north shore of Quebec and kinds of swings around the Saguenay, Lac St. Jean area and goes through Quebec City, and is all over the place -- because in the end the numbers that they regroup are so small, at least in terms of density, which makes it very difficult to operate a school board but they have been able -- should have the ability to provide English-language education to anybody who wants it anywhere in Quebec.

So we have shown that there is no number that warrants it in the question of education. It is very hard then to pin down the rule of whether it be a five per cent rule or a 10 per cent rule or what the rule should be. I understand in the Bill tabled before your Assembly they are moving toward a 10 per cent rule in government services.

As one way to do it, we use terms like, "where numbers are appropriate", or whatever. But as far as we are concerned in Quebec, our numbers are vast enough and our community is dispersed enough that we cannot get into saying that there is no place -- because the English community lives everywhere and the English community is a relatively large community just like the Francophone community in Ontario with over 400,000 is a relatively large community -- there is no place in fact where the numbers do not warrant, for instance, the ability to attend a school in your language, or to be able to seek services from your government in your language. I probably have ducked your question.

Mr. Cousens: Oh, you have, because to me, you get into the -- and I am not going to debate our problem -- but the cost then really does not become a factor, becomes a principle in your --

Mr. Murphy: Could I just add to that?

I guess if we were to say "where numbers warrant" could be defined that we can justify in terms of

economic and pedagogical feasibility. Then how in fact can we go beyond in terms of the finding -- because the moment that you do you are perhaps denying some citizen the right to, access to, basic fundamentals -- and rather than to assign a number which will have the net effect of denying people certain rights, it is preferable in our judgment to go the route of something to do our very best and work hard and manage to reach the objective. That is our duty.

Mr. Cousens: Thank you, very much.

Mr. Dowie: Just to further that, I do not know if the cost factor which is usually the argument used, is all that much a factor.

If you, for instance, talk about the question of provision of government service, you know, someone at the regional office of some Ministry who has a capacity to speak a second language, you would have that employee anyway. It is then a matter of structuring your selection and recruitment processes in such a way as you can meet that capability. Inherently there is no necessarily new expense involved in that. You have to provide the service, you have the employee there, it is a matter of requiring certain language skills of employees so that they are able to do that. And in the end if you have one person giving our drivers licenses who can only speak one language, or you have somebody giving out drivers licenses who can speak two languages, it is no more to have somebody doing it in two languages than you do to have somebody doing it in one.

So I do not know if that cost argument, which is the one that is used all the time, it is not -- we have never advocated, you know, setting up separate civil services and having a double system. It is a matter of structuring your system in such a way as that there is an institutional responsibility to respond and the institution then has a responsibility of structuring itself in such a way as it is able to meet its obligations. And in most cases, unless you get into the Federal game of the bilingualism bonuses and the \$800 or whatever, there is no necessarily new expense involved in that.

You have the employee anyway; they are already working there, it is just a matter of making sure that you structure your ability to respond in two languages. And sometimes it takes time to adjust the civil service or adjust the program to do it. You do not do it overnight and you do it in such a way as that the people who work there stay there. But civil services are always hiring. It is just a matter of restructuring what

it is you are looking for.

Mr. Copeman: If I may just add -- if I may give you a little bit of information -- the Province of Quebec has organized its education system, or divided it up, into 11 regions which are called directions regionale and I am sure a little bit later the QAPSB or indeed, the English-Speaking Parents Network, may be able to give you a little more information about that.

But of those 11 regions, we find that within those 11 regions roughly the 800,000 English-speaking Quebecers. Now, of that 800,000, just over half a million, roughly, live on the Island of Montreal so there are roughly 300,000 English-speaking Quebecers living outside the greater-Montreal area.

Now as I just look down a list of directions regionale, there are fairly large regional directions such as Saguenay/Lac St. Jean that have a very small number of English-speaking students in attendance in their schools -- 463 for one entire regional direction -- but they still manage to provide services to those English-speaking students. The numbers can get as small as -- 463 is the smallest English-speaking student population within one regional direction but the total for the Saguenay/Lac St. Jean area is 60,000 -- so of 60,000 students, just under 500 are English-speaking but the Government of Quebec has still managed to provide services for those students.

So clearly, if the will is there, if parents and administrators and the government have the political will to offer those services, clearly it can obviously be viable even with very small numbers in fairly disparate areas of the Province.

The Chairman: Thank you very much for that summary Mr. Copeman. I was about to ask you if that in fact was the real operative factor -- that is, the will to do it. It sounds as though it is.

Any other members who have not spoken or those who have asked questions already have something further to say?

Yes, Mr. Pollock?

Mr. Pollock: A follow-up. In that large region, how many schools would be in that large region?

Mr. Copeman: I think there are four in that region and you get into that confessional problem then. You have 463 English-speaking people and probably half of

them are Catholic and half of them are Protestant so you have a Catholic elementary, a Protestant elementary, a Catholic high school and a Protestant high school and that is when you get into the lunacy of the situation of having to provide that double system.

And I have not visited recently the Saguenay, but I will give an example I do know much better, and at Trois Rivières where you have, you know -- the English population of Trois Rivières is not known anymore anyway as the heart-bed of English Quebec -- but still you have that double system of St. Patrick's High School, Three Rivers High School and their equivalent Peter's schools where it would make a lot more sense, obviously, for those resources to be consolidated into one system because neither side gets, for instance, either the enrichment programs which in the end -- you get your teacher as it is declared by norms that every so many student get one teacher or whatever -- where you get penalized is on the enrichment services, the guidance counsellors, the other kind of enrichment programs, that have become very expensive to provide and in fact past the point of being able to provide them when your resources are decentralized in that way -- or deconcentrated, really.

The Chairman: A supplementary Mr. Pouliot?

Mr. Pouliot: Yes, one last question. Thank you, Mr. Chairman.

In order to help us put things into perspective, when you talk about the number relation, 463 -- it is an appalling, almost shocking statistic -- out of 60,000 in the Saguenay/Lac St. Jean area which encompasses Jonquière, Tomagami, Chicoutimi and so forth -- can you give us approximately how many square miles are we talking about at the regional level?

Mr. Dowie: It is big. Well the advantage -- and I think you will find that most minority communities -- the advantage of that is that the English community is not spread all over Saguenay/Lac St. Jean. The English community is basically concentrated in Jonquière because the English community is attached, to a great extent to Alcan and Alcan runs their operation in Jonquière.

And we find that, for instance, northwest Quebec as well where the English Community is concentrated in Val d'Or and Noranda, Port Cartier, Sept. Isles, places like that. So it is not a matter of -- you do not have many cases of villages of one person who is going to claim their right -- but you find pockets of people who are a very small minority, but at least they

are all concentrated either around a workplace usually and then also concentrated round the churches and the other institutions that flow from that.

The Chairman: Thank you, very much.

If I could get this thing to stick. Maybe I should use this. Oh, you are the problem are you?

Okay I get it, Jean, I am the problem.

Thank you very much. You have given what sounds to us like a very good overview for the ears of most of us who have not had much of this information before. We appreciate your coming and for being as well prepared as it sounds as though you are. Obviously, if you do not know much about a subject, why, anybody sounds well prepared. But I do think the reverse of that applies to you and we really appreciate your coming and it will assist our deliberations quite a bit.

I hope you can come and see us in Toronto sometime.

I looks as we have a de facto intermission here for about five minutes please ladies and gentlemen, back here at 10:15 sharp.

--- Upon recessing at 10:11 a.m.

--- Upon resuming at 10:20 a.m.

The Chairman: I know the conversations were interesting but we should keep fairly well to schedule.

The next group who have been good enough to come to speak to us this morning represent the English-Speaking Parents' Network. Mr. Allan Hollywood, President, that is the distinguished man on the right and Mr. Ross Clark, the Co-Ordinator, the vigorous man on the left.

Well, I did not have what you had because I was not here.

We welcome you gentlemen. We appreciate your coming and would give you an opportunity to say something on your own first if you wish. If not, we will fire questions at you.

Mr. Hollywood: I think that first I would like to thank you for giving this opportunity to appear before you and possibly it might be a good idea to give you a little bit of background on where we come from, what we are and all the rest of it.

The Chairman: Good idea.

Mr. Hollywood: I think our background would have to go back to about 1982 at the time Dr. Laurin, the then Minister of Education of the Province of Quebec, put forward his famous Bill-40 or proposed Bill-40.

In February 1982, through the auspices of Alliance Quebec and several other groups, administrators, teachers, parents, all got together here in Montreal at Concordia University. I think it was the first time that a group like this had ever got together to discuss Bill-40 and what our objections were to it, and what was the good sides of it and everything else.

Once that broke up the idea was to get a small group together and put a brief together to present to the Minister, at which time there was probably 20-25 Anglophones from the Province of Quebec got together, again through the auspices of Alliance Quebec, and their educational committee.

The brief was presented, but at this time it was predominant in our minds that this was the first time that the Anglophones of the Province had ever had the opportunity to get together. The Anglo-Catholics being in French boards were always sort of segregated and forgotten. The Anglo-Protestants wound up getting

together sometimes under the auspices of the QAPSB, the Quebec Association of Protestant School Boards.

At this time we started thinking about the possibilities of getting all the parents together to see what their idea was concerning an Anglophone group because on the Francophone side we have -- since 1973, we have had a group called La Federation des Committee Parents de la Province de Quebec, that is the Quebec Parents Committee and they were created by Bill-27 -- they were supposed to look to the needs of all parents in the Province but the Anglophone community sort of got forgotten.

In April, 1984 we had a preliminary meeting of all parents in the Province, English parents that is.

Every school in the Province was invited to send representation. We had well over 400 people at that meeting coming from as far east as just about the Labrador Coast and as far north as places like Noranda, Temiskaming, Val d'Or, the famous Saguenay region, townships, every area in the Province was covered. But this time we had workshops, something that the Anglophone community did not even know existed.

We learned a little bit about our neighbours, but the main thing was we learned a lot about our neighbours and then we put it forward to the General Assembly that was there, what their idea of an English group would be. The afternoon was concentrated to mandating a steering committee to set up this group.

In November, 1984, we held another general assembly here in Montreal. Again there was around 300 parents from all over the Province who attended, at which time we adopted a Constitution and then proceeded with our mandate. And our mandate at that time was to get services for the Anglophone community from the Minister of Education, translations and all from the Committee de Parents. Also to liaise between our different groups, the teachers groups, the administrators groups, those interested in education.

This we managed to do and finally, this past March, we were able to get the FCPBQ to accept an Anglophone wing of their Francophone group where we have two elected representatives, one that sits on the Executive, one that sits on the Board of Directors. These two gentlemen are also liaison with our teachers groups and all.

So now we are sort of on the downward side. Our mandate has been completed and we hope by the end of

June to be able to take rest from negotiations.

The Chairman: Thank you, very much.

Does Mr. Clarke have any comments at this point?

Mr. Clarke: I suppose I will just say it is pretty clear, but what we were saying was lacking was a forum for English parents to get together and what the ESPN did for the first time was bring together English Catholics and English Protestants from on-island and off-island. And those were always the two sort of large splits in the English community in Quebec. Protestant/Catholic and on-island and off-island. So that was what was lacking and that was we, through this process of various meetings, finally established and will be taken up now in the Anglophones sector of this group, the FCPPQ.

The Chairman: Thank you.

Jean Poirier.

Mr. Poirier: Thank you, Mr. Chairman.

I would like to get from you your position pertaining to the services of language and school boards, the deliverance of education. What were some of the recommendations your group might have come forward with? And, again, the same question: if you had to write your own ticket what would you want? What would you see as the idea situation for your needs?

Mr. Hollywood: I think that that question is a sort of double-barrelled shotgun question, because there again we have the problem of on-island and the problem of off-island. Off-island presently, as we looked at the Anglo-Catholic community, it is a disappearing breed because of dwindling population and everything else. Being within a Francophone board we have schools that are non-existent schools. We might have one classroom, two classrooms, designated for English education. Even the Minister does not know that they have got Anglophone Catholics in there because all the budgeting is done through the Francophone school.

We have English Catholic schools that are just barely hanging on with a population of 50-60 kids. And what is happening in I would say, a good 75 per cent of the Province at present is your anglo-Catholics are integrating with the English Protestant school or schools in the district, mostly because the services that we are getting in our English Catholic schools have diminished

so much because of population so that the children are not getting a proper education.

By going in with our Protestant confreres, we bring up their population, the Ministry ups his budgets and everything else, so you end up picking up a few more teachers and a few more side programs and all. This is at the elementary level.

At the secondary level throughout the Province most of your high schools are already integrated. You have English Catholic and English Protestant students that have been going there for years. And this again is just through a necessity of lack of funding, and by joining we wound up getting a more polyvalente type of school where we could have workshops and things like that -- trade schools. Some areas are already facing the loss of these schools because of dwindling population also. That is a fact that we are going to have to face in the very near future.

As far as services in general, our Protestant boards off the island have been very fortunate. They have been able to maintain a high quality of service, retraining of its teachers, giving excellent programs to the students. The Ministry has accepted a lot of the programs proposed by some of the school boards. They found that through experimenting in different regions we have been able to come up with ideas that have proven very fruitful and the Ministry has been very co-operative on that.

As you people are well aware, in the Toronto area you have your co-op-ed program. One of our regions here has just been able to put it into effect with the Ministry's co-operation. There has been some students out on it and the results have been very positive.

The general services -- up until this year we have only had one main office for services to the anglophone community; that was being covered here in Montreal -- there was a Director of Services to the Anglophone community and then he had several people with him. Sometimes I thought these people were getting run ragged because they were covering the whole Province. But they were able to keep us up on new programs and all throughout the Province, mainly because they were ready to travel all over the place.

And some programs were lacking. Under the past government we did have several studies that came out all in French. They were sent back by the Anglophone community and they are supposed to be coming back out again now under the new offices of the Anglophone

services.

Before -- the gentlemen before ourselves talked about the 11 regions. We will be having nine directors in the Province of Quebec including up in the Saguenay. So these people will be responsible for English education in those areas.

Right now, as far as a parent goes, I think that what we have managed to get through with the Ministry and the Federation de Committee des Parents in the past two years will better serve our community than it was being served before. By that I mean that in each region we will have representatives sitting on these regional committees of the Federation. Our schools will be fed into this person and it will go all the way up the line, right up to their main group, but at the same time we will have representation, direct representation, with the Ministry. This is something that we never had before.

When they came up with their Bill-3 it was the first time that the Anglophone community was able to answer to certain parts of it as a group instead of fragmented people and this has been the main problem. There has been too many splinter groups feeding in little bits of information. What we needed was some type of networking that everybody could come up with the same answers.

Mr. Poirier: Pertaining to the latter part of my questions, could I have your opinion, the linguistic boards versus religious-based boards. What are your preferences? And there again, all in the context that if I was the Minister of Education of Quebec and I would ask you: you tell me what is the best for your needs. What would you ask of me?

Mr. Hollywood: There, definitely, off the island I would like linguistic boards because -- well myself, I have children in the Protestant School Board and I am a Catholic. It is a school board where, I must say, that we are little bit ahead of ourselves. When Bill-3 was even proposed, they had already started implementing a lot of the clauses of Bill-3 as far as Anglophone representation -- linguistic representation. I sat on that school board as a parent Commissioner, or parent rep, for three years. I was very well accepted. At the high school level I was President of the School Committee for four years. I have still got one child in the English Protestant school that is elementary school. By then I had to step down from being President because I had too many jobs. But there I am vice-President anyway and there is no differences. But the only thing is that

the Anglo-Catholics need some type of voice on these Protestant boards so the answer there is linguistic boards.

On the island, again it is a situation that is very touchy here on the island, because you have your strong Catholics, your strong Protestants. The linguistic board could possibly work if the two sides sat down and really talked it out and want to work it out. But from the census and all that we got during this Bill-3 time, I would have to say that the people on the island are still much in favour of their confessional schools. But, again, I would have to say there that on the island we are looking at possibly an English Catholic school board or some type of a set up where the English Catholics would be more autonomous than they are now.

Mr. Clark: Shall I give a few ideas as well?

I think that Mr. Hollywood is quite right and in fact we see it all the time in the papers, for instance, that there really is a split on island and off island. There is constant references to the Ministry sort of saying that they may be hinting -- they have not come out very clearly -- hinting that there may be a different solution on-island and off-island.

The off-island situation is much, much more clear and so there is perhaps less reticence, there is more acceptance of the idea for the need for linguistic boards. The English community is simply too small to afford to have as Vaughan Dowie was saying, a half empty English Protestant high school across the street from a half empty English Catholic school.

And what you have got in fact in Trois Riviere, apparently -- someone told me -- is a situation where two school buses are sent out, they go through the city following the exact same route; one of them picking up kids to go to the Protestant school and one of them picking up kids to go to the Catholic school. The buses as well are half empty by the time they got back to the school -- only half filled, I mean -- and the schools are under-utilized and we simply do not have -- it is just a terribly inefficient use of resources and aside from inefficiency, it could lead in some cases to in fact a village or town simply going without an English school of any sort. That is sort of on the question of resources.

We have got, as Mr. Hollywood was saying, a situation now where English Catholics are sort of -- are in a situation of really having very little control over the education of their children. If they still send their kids through the Catholic system, then they will

vote for the Commissioners there, but they will be voting for Commissioners who, by and large, will be French-speaking. If they send their kids to the Protestant system, the Commissioners will be, by and large, English-speaking but the Catholics cannot vote for them. They can neither run themselves for the positions on the board, nor can they vote for the Commissioners. So it is really taxation without representation.

Now that is dealing -- as I say, off-island the situation is just much more clear because of the sparsity of resources and the need to sort of consolidate. On-island it is a little less clear because there is quite a lot of people.

I think that there is a fairly large consensus in Quebec. In fact, it is true that there are large pockets within Montreal who will want to retain confessional structures. Yet, at the same time, I think there is a general sense -- I think one can look at the polls, I do not have them with me -- that a lot of people do feel that a great sort of emphasis on confessionality is perhaps not possibly correct for Quebec in the 1980s and that an emphasis more on language makes sense. Still, because of the very large pockets within most of the island of Montreal, were a linguistic system adopted on-island as well, there would have to most likely be some sort of guarantee of confessionality within the linguistic board so that the English Catholic and, I suppose to a lesser extent -- I mean people have a little trouble defining what an English Protestant education is in Quebec -- but there would have to be some way for the people within the linguistic board where they wanted to get their kids into a religious education.

Now Bill-3, for instance, looked at setting up with the linguistic boards Catholic schools and Protestant schools, and in fact some interpretations say that in fact you could have a situation where you would have a Moslem school or a Buddhist school. But Bill-3 is no longer with us.

I guess the other thing that a linguistic -- I mean one of the clear needs, or clear benefits in fact of a linguistic board is that it simply would give a much stronger control and management to the linguistic minority. Well, in the case of the English language in Quebec, a much stronger vehicle for the English community to control its educational structures.

The Chairman: Thank you. Mr. Hennessy?

Mr. Hennessy: I have one question because there will be other members who maybe want to ask

questions.

How is the teacher situation? Are there any problems with teachers going from one board to another on account of religion or language, transferring from one board to another?

Mr. Hollywood: In some boards -- well, I can give the case of the Eastern Townships region -- we had the whole English Catholic elementary school transfer over into the Protestant board completely, including some sisters, some nuns. It is a little bit of a startling revelation but there was three nuns left in an English elementary school and when that was school was integrated into the Protestant school, the three nuns went over and in fact I met with them not too long ago and they said that they were sorry that had not done this about six, seven years ago.

Mr. Hennessy: What about the religious aspect? I can see why there was no objection to the nuns transferring. What about the average person? I mean the nuns would be in trouble if they went against the nuns probably in the Province of Quebec.

Mr. Hollywood: No. The other teachers transferred over. They were given all their seniority rights and everything else.

Mr. Hennessy: No problem.

Mr. Hollywood: No problem. And I know several other schools in the Province that this has taken place and there are several schools in northern Quebec right now that are in the process of negotiating an integration and they are talking full rights for the teachers. If it just so happens that this person -- one of the teachers -- falls into the category of being put on surplus well, it is too bad. They would have more than likely would have wound up on surplus anyway in your French Catholic board anyway.

Mr. Hennessy: But there was no objections --

The Chairman: Do you have anything to say, sir?

Mr. Baker: I would just like to say that at the time of Bill-3 the central organizations -- teacher organizations in fact -- the PACT, the Provincial Association of Catholic Teachers and the PAPT, the Provincial Association of Protestant Teachers -- they recognized there are questions of seniority to be worked out, but they themselves were both very much pro Bill-3

and in fact were looking towards and are still looking towards and integration of the two organizations.

Mr. Hennessy: You say that both unions were favourable?

Mr. Clark: Both unions, that is right.

The Chairman: I am pleased to hear that the question were there any problems, you said there were none.

Mr. Hollywood: That is right, none -- n-o-n-e, not n-u-n.

Mr. Pouliot: Thank you for a profound contribution, Mr. Chairman.

The Chairman: Think nothing of it.

Mr. Pouliot: I am not the one saying that some of my constituents are rather very simple in their -- but humor does become them and it is as comical as an orphanage fire at times. I know this is not the place, it is a little early, we can do better if we want.

The Chairman: We would not want you to reflect on their wisdom in electing you.

Mr. Pouloit: If I may, we have a sort of a dilemma, a sort of an impasse, because as we are asked to address the project de loi, or Bill-75, and we are at the first reading stage. We also have and it is very difficult when we talk about education not to become agitated or, as the Minister would put it, overly agitated, because we also have Bill-30. But the way you answered -- your question raised as a point of interest -- do you have selective hiring? By selective I mean by virtue or reason of one's belief, one's religious belief.

Mr. Hollywood: At one time that existed but now with the Canadian Charter of Rights and all, the school boards are very careful on that. But, just as an example, I know of one English Catholic school that the person giving Catholic education, happens to be a Protestant.

There is still a slight problem on that but most school boards today, they look at qualifications first.

Mr. Pouliot: Is it a directive from the Minister of Education, or is it a as a matter of individual policy of the school boards?

Mr. Hollywood: An individual policy of the school boards.

Mr. Pouliot: Thank you.

The Chairman: Thank you, Mr. Pouliot.

Mr. Bob McKessock?

Mr. McKessock: In the linguistic schools, or where you join the Catholic and the Protestants into one school, how do they handle religious instruction in that case? Do they have separate classrooms for the Catholic and Protestant, or how is that handled?

Mr. Hollywood: That is right. What they do usually is try and schedule the programming that the Catholic children will get their religious instructions at a certain time. While that is going on, the balance of the class would take up a subject that does not require too much work to catch up on and then when the Catholic children and the Protestant children are getting their instructions, their moral instructions, then the Catholics would pick up what the other ones missed. Usually what happens in some of the schools is, instead of going into a definite program or something like that, they will do art or gym or something like that, that is not a regular or a main part of the program.

Right now in the one school the children are all ready for their first communions, their professions of faith and everything else. Now they have been given this all through the year. In fact, even through music and all the children are still able to maintain a choir in the English Catholic church and they have not missed any schooling. They are right up to date, the same thing as everybody else.

So it means a lot of fixing up your programs so that both groups can be given their religious instructions but not lose out on anything else.

Mr. McKessock: You talk as if they do not have it at the same time. Could they not both have their religious instruction at the same time so that they do not have to have other classes?

Mr. Hollywood: In some schools it is done like this: it depends on the numbers. What happens to a class? The one school in particular, as I say, that I know of, they are working somewhat on that program. Other schools, because of numbers, like in a class where there might be only two or three Catholics in it, they go

out and the rest of the class will continue with something else.

In one school that I know of in fact, some of the parents even objected to the amount of minutes being given for Catholic instruction. It was too high and they preferred to see it some of that time consecrated to another program where both groups are participating longer. There is problems there that have to be looked at throughout the Province as far as the way the instructions are given -- the religious instruction is given -- and time lost as you are pointing out. You know, why can't they do it at the same time?

And the other thing is, too, that in a lot of our schools you have multiple classes in the same classroom and, there again, that brings on problems because of numbers, because in some of the schools you might wind up having all of a 150 kids but they are all right straight from grade one right through to grade six and you might have seven or eight teachers, depending on the boards and all the richness of the board's resources. So in order to give the best instruction there is, whether it is religious or general education, they have multiple classes.

So there is problems in each area. Each area just about has to look at its own individual program and its own problem right now. And until those problems are solved, I do not know exactly how it is going to work out. There is areas of the province where you get 30 kids in the school and those 30 kids cover from grade one right to grade six. But because of distances and all, you just do not have the resources.

Mr. McKessock: Thank you, Mr. Chairman.

The Chairman: Thank you.

Any other member of the Committee have questions or elaborations? Ah, Jean Poirier.

Mr. Poirier: Thank you, Mr. Chairman.

Could I get your opinion also on the comparison that you might have encountered, or what you would want to wish, where you are a linguistic minority in Quebec? What is your preference? Like, to have an autonomous school board where the Anglophone minority takes care of its own thing, or part of a French language minority school board, what is your opinion pertaining to that from your past experience? And what you would like for the future?

Mr. Hollywood: If we are talking past experience, I did have the experience of working within a French school board. I sat on that school board as a parent, even before parent representatives were recognized under Bill-71, the President of the Parents Committee sat on the school board and unless you were fluently, and I mean fluently bilingual, you got lost, because the language of education is another language completely.

I cannot -- in my own case, I say I cannot complain about the services I got from my English Catholic school -- but again, this depended on the school board, this depended on the school committees and it depended a hell of a lot on how much you wanted to concentrate your time and fight for services and all.

The ideal situation that I would like to see, again, personal preferences, would be the linguistic board.

Mr. Poirier: Autonomous?

Mr. Hollywood: Autonomous. Completely autonomous, because I found out through the experience of being in an English school in a French board, and now being in an English school in an English board, your Francophone needs and programs are not quite the same. The Francophone parent will put priorities on some things that the Anglophone will not.

Sometimes the Ministry himself will put out a program for general priority. Sometimes these things have already been implemented in an English board years ago but yet in the French board it is something new for them. But a lot of times what was happening, off the island again, is that your English school -- your English Catholic school off the island -- depended an awful lot on its neighbouring Protestant board for recycling its teachers, updating them, special programs and things like that even though the two schools were not together.

Well, automatically in an area parents of the same language do meet at other places except school committees and all and what happens there is they start talking about this program and that program so the English Catholic community a lot of times was able to adopt -- or adapt I should say, not adopt -- but adapt programs that were in the English Protestant school with the good graces of the Catholic board.

But to me, I still go for the linguistic board, the autonomous linguistic board.

Mr. Poirier: And would you say that that can be done in areas of Quebec where the Anglophone population is very well sparse, or it is very small numbers? Maybe you are talking about perspective of the island situation, but how about outside of the island where you are very much of a smaller minority?

Mr. Hollywood: Well, I can go through pretty well every region of the Province because I have had the opportunity over the past few years to visit all the Province; every one of the nine regions off the island and I can give you -- like the Gaspé region -- we have three Catholic schools in a distance covering about, oh, not even a hundred miles.

Mr. Poirier: English Catholic?

Mr. Hollywood: English Catholic schools. You have a total population of approximately well, -- this year I do not know the numbers for this year but I can give you the numbers for last year -- we had 120 kids. We had a part-time principal covering all three schools. We had a part-time French teacher covering the three schools. We had a part-time gym teacher covering the three schools. Where down the road we had a English Protestant Elementary school that had over 200 kids in it. Now if you had taken those 120 Catholics and put them into the Protestant school, you would have had greater numbers, you would have wound up being able to have full-time teachers.

Okay, busing is a problem. Transportation is a problem on those distances; the same thing here as you have in Ontario. But I think sometimes you have to make a few concessions in order to get the best of education.

Mr. Poirier: Well, those eight Protestant schools, when you talk about two hundred students, you are talking about 200 students per school or for all eight schools?

Mr. Hollywood: I beg your pardon?

Mr. Poirier: When you were mentioning in Gaspé the eight Protestant schools when you talked about 200 students, you are talking about 200 students per school?

Mr. Hollywood: I am sorry, I did not say eight schools. Just down the road there was "a" -- one -- school. I am sorry.

Mr. Poirier: Oh, okay, fair enough.

Mr. Hollywood: No. The town of Gaspé itself has an English high school and it has, if I remember right, -- yes, it is an English elementary -- and a lot of the schools around, the small Protestant schools, they are feeding into the high school. But at the same time your English Catholic school winds up feeding into this high school too. It is a strange situation. I have run into that myself in the region I came to, is that once the student reaches the high school level it seems that the parents become less religious and it seems to be more acceptable. Whereas at the elementary level they are more insistent on religious instruction. But again, as Mr. Clark was saying before, Bill-3 guaranteed religious instruction. And, at the moment, if you look at the Quebec Education Act, it calls for 120 minutes of Catholic instruction and 90 minutes of Protestant. So it does not matter whether you are being taught under a Protestant board or a Catholic board it is there in the law. So you have to get it.

Mr. Clark: If I could just intervene. I would really like to mostly echo Mr. Hollywood. On the question of whether it is necessary to have an autonomous board, I would whole heartedly agree that it is. As Mr. Hollywood was saying, there are a number of reasons for it.

There is really a different pedagogical philosophy in the English and French systems and there is a different approach to programs in the two systems. And that will require that -- you know, that everyone will have to address from the Commissioners down to the teacher and eventually the parents and students -- and that will affect the orientation of the boards, so that there is really, probably a need to have a board whose mandate is to serve the English community and it will do it in the framework of this English pedagogical philosophy.

Secondly, and perhaps a little more concretely, there are also special problems that the English community faces such as French language training. You know, that is a really critical issue for English Quebecers, whereas for French Quebecers, second language training, at this point anyway, is not seen as quite as important. And that can really have quite an effect on how a board operates. Many boards at this point for instance, put a lot of money and effort into immersion programs and the board is even known as a sort of an immersion board. That too, I think, probably would be weakened if you did not have autonomy.

And there will be other problems like that that the English community faces as a minority community

in the Province. And I think on the question of the need for autonomy the last but perhaps the most important point is that it really allows for a much more elaborate and a much fuller control and management of resources that I just do not think that you could have.

I have tried to read Bill-75 and I do not have the Ontario Education Act so the question of a Bill which makes a lot amendments is a little difficult. But if I understand it in reading various briefs submitted after, there are certain services that will be deemed to not pertain to the French Commissioners on a board in a situation where you would not have an autonomous board. And it seems to me, anyway, in the long run all services really will come down to address the problems I have talked about. Even the central services will need to be administered by the Commissioners of the community that is being served.

That is on the need for it.

On the question of whether it is feasible, I think that Mr. Hollywood is quite right. Off-island what you are going to have, in the Gaspé for instance, a situation where you really can have a strong English school in one -- let us say you have -- and this is what you have on the Gaspé coast -- you have every 10 miles you sort of have another community and in the past, as I say, they have had a small English Protestant school and a small English Catholic school and there just are not the resources to do that anymore. So instead what you could have is -- instead of every 10 miles you have a half empty school or perhaps even less than half empty; if you had a strong English school that would in fact be a way of making better use of resources.

Mr. Poirier: Sort of a regionalization of services?

Mr. Clark: Yes, a regionalization. Exactly. And by putting the English Catholics and English Protestants together it will be a -- we use rationalization a great deal. I mean it will be a more effective rational system.

Given the need -- I think that once there is -- we have talked about political will -- once it is established that there is indeed that need I think the thing would go ahead. It might have to be recognized that there might be a different budgeting requirement, given it will cause a rationalization if on the Gaspé you had all English students in one large board on the Gaspé. But you would still have a large board covering an incredibly large territory with roughly -- I do not know

-- but it is an incredibly large territory, -- I do not know what the English community is on the Gaspé -- but you will probably have to look at different budgeting schemes because you will have such a large territorial board serving, according to the norms, a small clientele. But I think that if one accepts the arguments of the need for it, I think one may have to accept the implication of that which there may need to be a different budgeting.

Mr. Poirier: Complete separate -- two complete separate budgets per linguistic group -- that would be the ideal?

Mr. Clark: Oh, absolutely. But also different norms.

Mr. Poirier: Of course. Thank you.

Mr. Hollywood: Just another information in there. I did not bring it out at the time but your English Catholics right now get a supplementary budget from the Minister of Education in order that they can give the same services. The exact figure I cannot give, but at one time it was close to double what they got normally for the normal Francophone student. In other words, if a Francophone student was getting \$1,600 a year, the English Catholic sector was getting well over \$2,000. They would get \$2,200 and some areas went up even higher than, that depending on numbers.

Mr. Poirier: So the Quebec government currently recognizes that it does cost more for your minority education and does provide additional funds to enable you to do that?

Mr. Hollywood: That is right because again, by the taxation system, your degree of division does go English/Protestant and French, so what happens there is that the English Catholics sort of got forgotten someplace in there and because they came under the Catholic board, while the Catholic boards at one time in some regions had very large English Catholic populations -- but there was no difference in the taxes or anything like that. So I believe it was back in the 1960s -- mid-1960s -- the Minister recognized this fact and started giving like a supplementary budget. And it has been increased gradually over the years

Mr. Poirier: Good. Thank you.

Thank you, Mr. Chairman.

The Chairman: Fine. Thank you. Any further questions from members? Mr. McKessock?

Mr. McKessock: We have in Ontario this law where, if you have one individual French-speaking family like in my area where we have very few -- there is no French schools -- but if a French family moves in, then we have to provide education for them in French. And that would mean probably paying their board somewhere where there is a French school. Do you have anything like that in Quebec, or would that be a way out as far as you are concerned? It would be in the reverse in Quebec looking at a English family who is in some remote area where there is no English-speaking school.

Mr. Hollywood: Right now that Maniwaki area of the province there is very few English families, and what has happened is there are just enough of a population to have some teachers there and these students are within the French school itself, but they are getting their education in English.

I am trying to think of another area offhand, but we do have some places where there is one or two teachers in a classroom that is giving education from, like, grade one through grade six. But these classrooms, again, are within the French schools.

To say that one English family in an area -- no -- because I know my own kids -- I moved into an area that, at the time I moved in there, we were only three English families and the board which I fell under had no services at all and the nearest board was in a direct route 23 miles away. But the kids did travel 120 miles a day in all. But he got his English education out of the board. The boards will make inter-board agreements and all to make sure that these children are educated in their language.

Mr. McKessock: So they do. So it is similar to what we are doing then.

Mr. Hollywood: Yes. There are inter-board agreements all over the place for this.

Mr. McKessock: Now, was that child transported to that school?

Mr. Hollywood: That is right -- picked up right at the door.

What was happening was that the English board arranged the transportation. Every year the Director of Transport for the Protestant Board who happened to have the contracts and all for the transportation of the children, would check with the school and it did not

matter where the children were, they arranged their routing to pick these children up and bring them into the area.

The Chairman: Thank you. Thank you again gentlemen for appearing before us and for giving us that first-hand knowledge of how it works and how it might work better in Quebec. We hope that will also be part of what we can use to devise or at least recommend to the Government. They will not necessarily agree with us, but we will recommend something that we hope will be exemplary in this line for your opposite numbers in the Province of Ontario. Thank you again.

Ladies and gentlemen, we do have the next delegation with us so I suggest that we do not take any time off. If you have to get more coffee, do it quietly.

We now have the delegation from the Quebec Association of Protestant School Boards.

We invite you to come to the table please.

Thank you very much for coming. I note that we have Miss Grace Hone the Vice-President of the Association. Welcome. And Dr. George Cochran, Secretary-General and that is you on the left, sir. And Mr. Colin Irving, who I understand is a solicitor for the Association. You mean you spend full time on that? The must be a litigious bunch.

Ms Hone: It is the only way to survive.

Mr. Irving: They have been forced into it, but I do not spend all my time on that.

The Chairman: We are an all-party committee from the Ontario Legislature which has come to Montreal and tomorrow to Quebec City to see if we can get some assistance in dealing with the problem of French language governance of schools in Ontario. We have had some interesting input so far and we welcome you. We appreciate your taking the time to come and if you have some opening remarks we would be pleased to hear them, and then we probably will have some questions.

Who would like to lead off?

Mr. Irving: If I could just clear up one point that was raised just a moment ago; there may be some misunderstanding about it; perhaps I misheard.

When a Protestant board takes in Catholic students under an inter-board agreement or otherwise and

provide Catholic education, it does not get any extra money for that child. I sort of had the impression that my predecessor at the table was saying that you got an extra grant to make up for the obligation to provide that extra instruction, but that is not so. The Protestant boards do not get anything more than the regular grants for the child in question.

The Chairman: That is a per pupil grant?

Mr. Irving: Yes, it is per capita. It is purely proportional.

The Chairman: Thank you for clearing that up for us.

Ms Hone: Mr. Irving, who has defended and led more court cases for us -- three major court cases for us -- will describe to you some of the recent history that we have been going through here in Quebec and perhaps you would like to ask questions after that.

The Chairman: Thank you, we would welcome that.

Mr. Irving?

Mr. Irving: Well, I will try to be very brief.

The school system in Quebec is a bit unique and it really differs from Ontario principally in that, whereas Ontario has always had a public school system and a separate Catholic school system, Quebec never really had that. Quebec has always had two denominational school systems: the Protestant system and the Catholic system living side by side. And although a lot of the people think of the Protestant system as public, it is not public in the sense that you would know public schools in Ontario. It is a denominational system just like the Catholic one, except the Protestant philosophy has always been that teaching and religion are separate matters. So there is not the influence of any one church in the Protestant school system and it looks very much like a public system.

The other unique thing to both of those systems is that, at least in most parts of the Province, the schools, although they are Catholic or Protestant, are really public schools in the sense that anyone can go to them. For instance, Montreal, which you have been hearing about, has always had a Catholic system and a Protestant system but it has always been the law -- although not all boards recognize it -- it has always

been the law that any child can go to either the Catholic school or the Protestant school no matter what his religion. The Catholic and Protestant boards do not have any right to refuse a student because of religion.

So it is a funny amalgum of denominational and public aspects of education in these two separate systems.

I suppose one of the major differences, anyway at the moment -- and it relates to what someone just before me was saying -- is that in recent years the Quebec government has been attempting to centralize control of the schools to a greater and greater extent. You would notice the difference probably most strongly in the area of curriculum. Where in Ontario general programs are worked out but the implementation is at the board level and the adaptation is at the board level and there is a great deal of input at the beginning from the two communities, in Quebec there is nothing like that. The, what is called the Regime Pedagogique, is simply dictated by the Minister of Education, and a very complete program which the boards are absolutely required to follow, and it applies equally to all schools. That would probably be the main illustration of this centralized control.

Financing is also now very much centralized. The government simply eliminated school taxes as a major component of financing, substituting government grants, and the boards are not permitted to tax beyond a very small margin over their grant without going through a process of referendum which is, in many cases, more costly than the amount of the taxes to be raised.

So really the boards are now -- or would have been now -- subject to almost complete government control. And that really was the basis of the fight over Bill-3.

When you come to linguistic school boards and you consider what has happened in Quebec, I think you would want to remember that although the Protestant boards and Catholic boards, too, contested Bill-3 on the ground that it interfered with constitutionally protected denominational rights, a large part of the agenda was this business of local control. The linguistic boards which were going to be created -- which sound good -- really would have had no power at all. And that was certainly one of the main reasons why the Bill was so strenuously contested. They would have been boards really in name, just as the Protestant board saw it.

So you have got this evolution toward some

sort of linguistic system which a lot of people would agree makes more sense nowadays. Unfortunately, grafted onto that you have the other problem, that a lot of people in the education field feel that there is already too high a degree of centralized control in the Ministry of Education and that some degree of local control is worth fighting for. So the Bill-3 fight was really that, as well as the purely constitutional issue.

Looking at Bill-75, and comparing it to the situation here, I think most people would agree that autonomous boards are preferable to a board within a board if it can be done. Although I must say I find myself that the definitions in Bill-75 and the way it is approached are really very well done. I particularly like the use of the section of the Charter to define the qualifications for who could vote and who could be a Commissioner on the French language side.

So I do not know how far to go. I do not want to bore you with all the legalities in Quebec. The situation is not quite the same in Quebec as it is in Ontario.

Under section 93 -- and perhaps that is one thing that I might mention briefly -- section 93 of the Constitution Act applies in both provinces but, as you know from reading it, what it does is to protect rights which existed by provincial law at the time of Confederation. And since Quebec and Ontario did not have the same system in 1867 it is probably true to say that there are broader rights protected by section 93 in Quebec than in Ontario.

So the result, I think, of the recent cases in Quebec and also the very important decision of the Ontario Court of Appeal which we participated in, seems to be that, under the Constitution, Roman Catholics in Ontario are entitled to Roman Catholic education if they want it, and if they are the minority language group, they are entitled to French language education as well. And they are entitled to have it in a Catholic school if that is their wish.

And the same would apply in reverse in Quebec to the English minority. And I do not think that there is much doubt that the English Catholics now who tend to be in the big French boards, are entitled to have separate English Catholic school boards if they want it. And the real problem which you have been hearing about in Quebec is the problem of numbers. That the English population is so scattered outside main areas that it is very difficult to run a separate Catholic system and many, many people would think it was undesirable. We are all working, including this Association, at finding some

formula which would accommodate English-speaking Catholics and Protestants together and to provide for voting rights for all parents who are involved.

I guess the difference in the approach taken by the Association of Protestant School Boards is that we are very anxious not to lose any rights which may be guaranteed by section 93 and to be in a position to protect the rights of local control which we believe are guaranteed.

The Chairman: Thank you very much. That gives us another facet of what the problem is and how it might be effected by us.

Anyone else from the panel wish to say anything before we start some questions?

Ms Hone: No.

Mr. Cochran : No, I do not think so.

The Chairman: Mr. Poirier? Oh, I am sorry, Mickey and Luc asked first.

The Secretary: And then Christine Hart.

The Chairman: I am sorry. Okay. You are not going to be first this time you know, but that is all right; you are second.

Mr. Hennessy: I just wanted to ask a question. Is there a French-speaking public school in Quebec along with the English-speaking public school?

Mr. Irving: Oh, yes.

Mr. Hennessy: Is there a French-speaking public school in the Province of Quebec along with the predominant English-speaking public school?

Mr. Irving: Well --

Mr. Cochran : When you say public school, you mean a school that is operated by a school board?

Mr. Hennessy: If somebody did not follow, that doesn't practice the Roman Catholic faith and they are only French-speaking.

Mr. Irving: Well, for instance, the Protestant School Board of Greater Montreal has 8,000 or 9,000 students in purely French schools. Those are French-language public schools.

Mr. Hennessy: You mean if you speak French you can go to a public school.

Mr. Irving: Oh yes, absolutely.

Mr. Hennessy: But French only.

Mr. Irving: Oh yes.

Mr. Cochran : French only by virtue of certain legislation passed by the provincial government which has the effect of prohibiting a French-speaking parent from sending his or her child to an English-language school.

Mr. Hennessy: And both parents are French?

Mr. Irving: You cannot get into an English school in Quebec unless one of the parents of the child in question was educated in English in Quebec, under Bill-101. And now, of course, with the Charter -- although Quebec legislation does not reflect this -- but the effect of the Charter is that if you fall within section 23 except for subsection (1) of section 23 which does not apply in Quebec, then you are entitled to English education. If not, the child must go to a French school.

Mr. Hennessy: And one thing you did mention. I would just like clarification. You say that there is a law that no one can be refused admittance to a school on account of religion?

Mr. Irving: Effectively, yes.

Mr. Hennessy: Thank you.

Mr. Irving: There are -- I mean it is a little constitutional hangover -- there are some schools called dissentient schools in Quebec. I do not think we need to go into the whole history of that, but there are a very few of them still running. The dissentient schools always had the right to exclude people who were from a faith other than their own. In fact they do not, and there are only about half a dozen dissentient schools still operating in Quebec. But apart from those everybody may go to any public school except -- because of Bill-101 -- people who were not within that law, or within the Canadian Charter, may not go to English education at all.

Mr. Hennessy: But a public or a Roman Catholic school could not refuse ---

Mr. Irving: Right. It does not matter whether it ---

Mr. Cochran : Could I just add something to that, because one of the difficulties is that the system in Quebec is different. Traditionally in Quebec there have been and still are two public systems of education, one Roman Catholic and one Protestant. They are both public, they are both now under the umbrella of the Ministry of Education.

Mr. Hennessy: But you cannot be refused on account of religious -- how many boards are there -- different boards, in the Province of Quebec? I mean public school, Roman Catholic, English and French and non-Catholic public schools. Are there three boards recognized? That is what I am getting at.

Mr. Cochran : In the Protestant sector there are effectively something in the order of 31 ---

Mr. Hennessy: No, I am just looking for how many boards there are as a whole, not how many individually in different areas to make a total. I am just saying: is there French-speaking Protestant Boards an English-speaking Protestant Boards?

Mr. Cochran : A school board is not classified by language, but either as a Roman Catholic or Protestant.

Mr. Irving: And for all parts of Quebec now there will be a Catholic board and a Protestant board.

Mr. Hennessy: That is it?

Mr. Irving: Yes.

Mr. Hennessy: Thank you.

Mr. Irving: The boards are now created by legislation as being for Protestants only or being for Catholics only and there is an interesting little definition section which says, more or less, that anyone who is not a Catholic is a Protestant.

The Chairman: The process of elimination.

Mr. Irving: A Buddhist is a Protestant.

Mr. Hennessy: They are either orange or green.

Mr. Irving: That is it. They just took a map of Quebec and just divided it up and for every part of it you will find there is a board for Protestants and a board for Catholics.

The Chairman: Thank you. Now, Luc Guindon?

Mr. Guindon: Thank you, Mr. Chairman.

To start off with, a supplementary to my colleague. The parents that can send their child either to a Catholic school or to a Protestant school, do they send their taxes -- are their taxes sent where they send their children, or are the school taxes sent to the government which then spreads it out?

Mr. Irving: Basically -- and of course as I say, the taxes are now a very small part of the school board budget -- basically the taxes would follow the child. The difficulty, and it really is a difficulty, is that off the island of Montreal where you have a scattered and sparse English population divided between Protestants and Catholics, generally speaking the Catholic children are being educated in the Protestant school system under inter-board agreements which would provide for the financial side of it, but the Catholic parents whose children are in the Protestant schools cannot vote for school Commissioners. That is a serious problem which has to be addressed.

Mr. Guindon: That was my next question. Another one you covered at the beginning was that per pupil cost. Is it the same?

Ms Hone: It is the same in both Catholic and Protestant boards.

Mr. Guindon: The same grants?

Ms Hone: The same grants. The budget rules apply equally to the Protestant and Catholic boards.

Mr. Guindon: Okay. Does anyone know, on the panel, what the drop-out rate is in the English sector?

Mr. Cochrane: Do you mean the percentage of children that just do not finish school.

Mr. Guindon: Yes. Right.

Mr. Cochran : No, I do not know that. It has traditionally, I believe, been far lower than the Protestant school system.

Mr. Irving: Well, the Francophone students

are basically are in the Catholic school system and the Anglophone students are basically in the Protestant school system. There is certainly a difference between the Catholic and the Protestant system. Within the Protestant system -- I do not think there are any statistics which would show a difference in the drop out rate; I am not sure of that, though.

Ms Hone: No, but it is hypothesized that because the Protestant, or the English community, is supposed to have a better economic base, that less people drop out. But I doubt that that is the reason. And in some areas there seems to be more emphasis on education than in others. It is very difficult here on the Island of Montreal -- the drop-out rate is higher in the French system but, that is basically economic. And in other areas such as in the Townships, I think the drop-out rate would be because the children leave whenever a job presents itself in the Protestant system; like the senior high school students. Attendance is required until you are 16, but here children can come back into the school system at any time after they leave. Most boards have special programs to accept children, or young adults, back into the system -- into the high school system.

Mr. Guindon: My next question, Mr. Chairman, is: what is the degree of education between the Anglophone student and the Francophone student? And we have to go by Francophone and Anglophone here for a minute because that is what we are here for really, is for French schools.

Ms Hone: Do you mean how many children succeed in finishing their high school education? Is that what you mean?

Mr. Guindon: No. The whole average of the French students viz-a-viz the English students. Do you know what the average --

Ms Hone: I think that you would be well advised to ask the Ministry of Education for its statistics on those matters.

Mr. Irving: Well there were some statistics published at least two or three years ago in the French press and it gave it by average over the segments of the population and there was a very dramatic difference between the Francophone population and the Anglophone. The Francophone was very much lower. Now that will have been much improved in the intervening years. And you have got to remember also when you are looking at all of this, it is very difficult to look at statistics. The English Protestant school system in Quebec which really

does go back to Confederation and before has always been a very active system.

There always has been a huge degree of parent participation. It was just part of the tradition. It came from the Loyalists and the United States. It came from sort of the Scottish tradition and it had no equivalent on the Francophone side and there was not a Ministry of Education in Quebec until the 1960s. So the government has made huge strides without any doubt in catching up, but Catholic education was pretty much left in the hands of the church for almost a century after confederation.

So the statistics might be very misleading and I think that what you are going to find is that now there is tremendous progress being made on the Francophone side and that is why the government would say -- and disagree with us -- we really do need to run everything because we had such a lot to make up. And that is true. So I would be very careful with those sort of statistics as applied to Quebec right at the moment because you are in the middle of a great flux.

Mr. Guindon: Okay. My next question is: is it the Province of Quebec that funds your English universities?

Mr. Irving: Yes.

Mr. Guindon: So you have a system from K to end of university in English?

Mr. Irving: The university has some other sources of funding, but yes.

But there the grants were not proportional and uniform as they are for the ordinary school system; that is a whole different subject. But there was a system and it was recognized as "rapportage"; that something was going to have to be done to catch up a little bit and that was done and I think it still is done. I think the pupil grants are higher, for example, at the University of Montreal than they are at McGill. On the other hand, McGill has a bigger fund of its own, although I think that is pretty insignificant nowadays.

Mr. Guindon: Thank you very much, Mr. Chairman.

Thank you.

The Chairman: Thank you, Luc. Next?

Christine Hart?

Ms Hart: You indicated that there were different, or perhaps broader rights protected by section 93 of the Constitution Act in Quebec than in Ontario. Can you help me with those differences?

Mr. Irving: Well, one would be in curriculum control, for example. If you go back into history a little bit -- and I do not like to go back this far -- but in 1841 there was the first sort of modern school law enacted, and that applied both in Ontario and Quebec because they were one province at the time. And if you look at it from there until Confederation, that particular law was repealed in Quebec almost right away because it really did create a public school system and it was not acceptable to the church in Quebec. -

And from 1841 to 1867 the rights of the school trustees in Ontario were whittled away. For instance, until 1845 they controlled the curriculum. That was taken away absolutely in Ontario as early as 1845 and centralized government control came in. So by 1867 the school boards in Quebec, for example, still controlled the curriculum in our schools and that was not true in Ontario.

Funnily enough, having that probably complete constitutional control, the Ontario government has been more moderate in taking over curriculum than the Quebec government has done recently, but that certainly is one area.

And, in general, you will find, going through the old laws, that school Commissioners and trustees in Quebec had much broader powers by the time of Confederation than their opposite numbers in Ontario.

So it really is just for that reason. This 93 means the same thing for both provinces, but if you look at Ontario law in 1867 and Quebec law in 1867, you see quite a bit of difference.

Ms Hart: You also talked about a Quebec law guaranteeing access to schools regardless of religion. Do you know, or can you tell me, which law guarantees it? Or how does it work?

Mr. Irving: Again, that is the old Quebec law, the pre-Confederation law which set up these denominational schools and made it quite clear that children of any religion had to be accepted.

Ms Hart: The other thing is that you characterized the system in Ontario as different than

Quebec in that Quebec boasts streams of education, both Protestant and Catholic are a public system. Now I have always thought of Ontario as the same way. We happen to call one public and one separate. Is there a legal reason, or why do you characterize them differently?

Mr. Irving: Well simply because -- let me step back before I answer that because I probably forgot to mention to the most important difference in the powers -- in Ontario the courts have held all along that the separate schools are not entitled to any funding for secondary education, whereas in Quebec we have just got a judgment finally which says that the school Commissioners on both sides are entitled to provide secondary education and they are entitled the grants for it. So that would be the big difference.

Ms Hart: Okay. One more thing.

Mr. Irving: Sorry. Now I left out your other question. Could I have that again? I am sorry.

Ms Hart: I think of the two systems in Ontario as two different streams of public education. We just happen to call one public and one separate. I was wondering if -- and you think of Quebec the same way -- I was wondering if there was any reason that you could point to for the differences between Ontario's system and Quebec's?

Mr. Irving. Well, again, it is really just history. I mentioned that 1841 law. It set up a real public school system. Quebec moved away from that to two denominational systems but Ontario never did. So even though either of our systems are public in the sense that everyone can go, they are state run schools, they are not public in the Ontario or American sense of being utterly unconnected with any church. The Protestant schools are still "Protestant" and the Catholic are "Catholic".

Ms Hart: A previous speaker was of the opinion that parents seemed less concerned in Quebec at the secondary school -- at the high school level, as opposed to the elementary school level -- with their children having religious education. Is that -- I do not know if that is backed up by studies or anything. Do you have any comment about that?

Mr. Cochran : Only to reinforce what you have said and as far as I know it is not backed up by studies. It may be true but I cannot vouch for its veracity or otherwise.

I know that there are persons whom I happen

to have discussed it with who are Catholic and who would support what you are saying. But I know others who would argue quite strongly that a Catholic school secondary or elementary has to have in order to merit that designation, not just 'x' minutes a day of religious instruction -- Catholic -- but has to be a school that reflects a Catholic atmosphere, the principal of which must be Catholic, all of the teachers of which must be Catholic and there must be a Catholic approach to the whole enterprise. And obviously one of the problems is that people do not think alike on these things.

So you have those who cling to that type of belief and those who would argue, well in the elementary school yes, but in secondary school, I do not think I am too concerned about that and in the interests of bringing together a sufficient number of pupils to be able to offer a reasonable variety of choices and to provide various services, let us go ahead and do that -- I was about to say unfortunately but, maybe not unfortunately -- people do not think alike. And the big problem in Quebec is to come up with a series of proposals or solutions that will be acceptable and that will reflect a consensus within the population. At the moment I do not know that that consensus exists.

Ms Hart: Mr. Irving you were about to add something?

Mr. Irving: Well I was just going to add to that that there are now before the courts in Quebec two cases. One we are not involved in at all, but it involves a group of Catholic parents and I am not sure that they represent a majority view, but they have asked the courts to say that the Catholic school boards must be composed exclusively of practising Catholics, not just Catholics; that all the teachers must be practising Catholics and the principal a practising Catholic and that the school must be run strictly on Catholic lines.

They did not win that case in the first court but it is still around.

And there is another case which is just coming up where a Catholic parent in one of these off-island areas where there really are not that many English Catholics. And this parent has a child in the Protestant school system under an inter-board agreement and he has challenged the whole thing and is asking the court to say that it is illegal to send Catholic children to a Protestant school, that they are entitled to a Catholic education and they are not getting it because they are not. And they get Catholic instruction in a Protestant school but it is not a Catholic school and they really

cannot make it into a Catholic school.

So that case, if he were to win that case, would bring about a very profound change too.

So there are people on the -- and I would not describe it as the extremes -- but there are people who are perhaps more devout, or believe more strongly in it, who take positions which are very difficult to reconcile with those taken by the more extreme people on the other account. It is not easy.

Ms Hart: The second case you mentioned, has it been adjudicated upon?

Mr. Irving: No, it has not been adjudicated upon at all. We are involved in that because it is one of the Protestant boards is the defendant in the case. Well, our position will be that the boards are entitled to make those agreements. The children do not have to go if they do not want to but, I might say this is an action brought by a parent one child. There are about 500 children affected by this agreement. I do not know if the other 499 will join in with this one or whether they are opposed. It is very difficult to tell.

Ms Hart: The first case, do you know if it has been reported?

Mr. Irving: I do not think it has been reported, but I have a copy of it. I would be happy to give it to you.

Ms Hart: I would be pleased to have a copy.

Mr. Irving: It will be in French, it will not be translated.

Ms Hart: That is just fine.

One last question. One of the debates that has come up in Ontario -- not specifically under this Bill but another one we are considering -- has to do with a difference of the amenities in the two school systems. Is that the case in Quebec? Can you point to one of your systems and say with quite a bit of assurance that this system does not have the same level of amenities that the other does?

Mr. Cochran : I would think that the answer would be essentially no. I do not think that distinction could fairly be drawn. However, I would qualify it to this extent: the number of children attending English-language schools in the Province of Quebec is about 50

per cent to what it was two decades ago. The numbers have shrunk and because of that shrinkage there are certain features of school life which you are referring to as amenities -- support services -- where cuts have had to be made. You know, you just cannot afford, say, a school board psychologist, unless you have a certain population base. And if your numbers shrink, you have to get rid of persons of that type, the speech therapists, the psychologists; you cut back on your guidance services, et cetera. So there is a concern, a valid concern, about the deprivation of services of this type.

Mr. Irving: To give you an idea of the order of magnitude, the only figures I can remember by memory, the Protestant School Board of Greater Montreal which is by far the biggest Protestant board, went from something like 80,000 students in 1976, to 30,000 today. And of the 30,000 about 8,000 are French-speaking and they are in French schools because they are not allowed to go to English schools. Whether they are French or not is another matter. There are probably more immigrants. But that is a huge drop.

Ms Hart: Over what period of time?

Mr. Irving: That is over 10 years. From the time Bill-101 was enacted in 1976 until today it has gone from 80,000 to 30,000.

Ms Hart: Thank you.

Mr. Irving: A great many of them, I am sure, are in schools that are operated by trustees in Ontario, particularly around Mississauga.

The Chairman: Thank you, that creates its own problems in Mississauga.

We have Mr. Poirier, then Mr. Counsens and Mr. Pollack and Mr. McKessock.

Mr. Poirier: Thank you, Mr. Chairman.

The great debate of religious boards versus linguistic boards is most interesting. Let us look at a hypothetical situation -- not knowing exactly where you are heading and what it is going to be like this year and next year in Quebec -- do you feel that the religious component can be met and respected to your satisfaction, should the school boards become linguistic based?

Mr. Irving: Well, I can only answer for myself. Remember that as far as the Protestant boards are concerned, the religious element is not very great.

It is more a philosophy of teaching than religion per se. I think a way can be found to put the two groups together under some kind of common board without giving up constitutional rights. I think it would be difficult and perhaps a bit delicate.

It depends on what the Catholic parents really want. If you took that extreme position of no teachers who are not Protestant and practising Catholics and so on, then you cannot put the two groups together, because you could not do that. And the Provincial Association of Catholic Teachers would strongly oppose that as well I am sure.

If you take a more median position on what is required by way of Catholic education for Catholic children, then yes, you can find a way to do it and perhaps we are not so very far away from it in the schools now which are nominally Protestant but which have a large Catholic population -- and somebody mentioned nuns teaching and Catholic education provided.

I think the only thing you cannot accommodate -- if you cannot turn a Protestant school or a public school into a Catholic school into a traditional church sense of the Catholic school -- it simply cannot be.

Mr. Poirier: Right. Even if we are not talking about religion per se, let us talk about the philosophies of education. Do you think that these two different philosophies can be accommodated in the linguistic boards, either having separate buildings or separate wings in the same building, or what?

Mr. Irving: Well, I think myself that the philosophical differences are, for the majority of people, more imaginary than real. If you go way back in time -- I mean, it was always been said, for example, that the Catholic church discouraged sciences and teaching of that sort of stuff. When we did our historical research for our case on Bill-3, which was fascinating, we found the exact opposite was the case, that the Bishops and what not were encouraging the teaching of sciences in the middle of the 19th century, and they were very strong about that. It did not really happen very well later on.

But I think peoples' views have evolved and that parents generally would be, you know, looking for high quality education for their children and you would not find much difference between Catholics, Protestants, or anybody else.

Mr. Poirier: So you do feel that there is

approchment between these two philosophies today, that hypothetically it could be accommodated?

Mr. Irving: I think you could accommodate the main streams of both groups. I see some problems with people of extreme views in either group.

Mr. Cochrane: I think one of the factors that have contributed to that is that before the creation of the Ministry of Education in 1964, when the two systems in Quebec were distinctly and emphatically apart, it was quite rare for there to be any significant degree of contact between persons in one system and persons in the other.

When the Ministry came into being,- these persons did come together to talk to curriculum, to talk about measurement, evaluation, and the whole panorama of other topics. And I think in talking they came to better understand each other and that has tended to reduce the degree of difference.

It used to be when the Ministry first came into existence and was setting high school leaving examinations, in the English sector you would have an examination in chemistry and you would have an examination in Catholic chemistry. The distinction was suggested by someone that -- involved the use of Holy Water.

Well, that no longer exists. Now, basically, there is just a series of chemistry courses but not different on basis of the confessionality. And that has helped, I think, to bring these differences into focus and effectively to reduce them.

Mr. Poirier: Right. So maybe now it is concentrating on heavy water as opposed to Holy Water, I guess.

Thank you.

The Chairman: Mr. Cousens?

Mr. Cousens: I appreciate some of the questions -- in fact all the questions -- that are coming from Christine Hart on section 93 and the effect it has had on the thinking and what is happening in fact at the schools here in Quebec.

Are there any other illustrations in which you have been involved where section 93 was brought to bear? I would be interested in the case Christine raised earlier, but are there any other examples that has been

involved in your battles with the courts?

Mr. Irving: Well, section 93 in the court case involving Bill-3, we used it in connection with the financing case. There was a decision that went up to the Supreme Court of Canada a year ago which we think of as the Bill-57 case. But that was the case which took away the Board's right to impose school taxes which was involved there and the end result was that the court said that the use of a referendum was not necessarily unconstitutional, although the one they had put in was and the Bill was thrown out. But they reintroduced it.

I guess those are the two main section 93 cases. There are a couple still lying around. We have a court case pending concerning the curriculum, the regime pedagogue in which we lost in the first court and it is now in the Quebec Court of Appeal. We lost on technical grounds, but that decidedly depends on section 93 and it raises the question of secondary education being covered as well. That was also, however, decided in our favour in the Bill-3 case.

Section 93 is probably more of a shield than a sword and there is a lot of talk about amending it now. I think the people here who think that section 93 will be easily amended should talk to Cardinal Carter first because it is the sole support and protection for the Ontario Catholic Separate System and I do not think it is likely to be amended. It would be a very difficult thing to do.

The trouble is, is it is a funny old constitutional guarantee which related to religion at a time when religion was very important and really, as far as Quebec is concerned, the Catholics were French and the Protestants were English and nobody really thought about anyone else at the time. It really goes back to the 1840s, not the 1860s. It was really even before the Irish had arrived. It is a funny old guarantee and, you know, if you were doing it again no doubt you would do it differently. But it is a fortress to defend positions which perhaps do not relate terribly directly to religion, like local control.

I cannot think of any other major section 93 cases at the moment. There are few involving things like teachers and so on.

Mr. Cousens: Thank you on that one.

We in Ontario -- Mr. Chairman another point I wanted to raise -- is that we have what we call a heritage language program service for linguistic groups

of varying sizes within the province for maintaining their level of language ability and so that in spite of the fact that we are primarily Anglo-English-speaking in the province and we have got less than five per cent Francophone, we are still doing an awful lot to maintain other languages in sub-groups.

This comes out of a number of things that you have said. One is a Protestant is not a Protestant anymore, from what I hear being defined. Do you have services that go beyond to serve Italians and other groups within the province? There is sub-groups within the Protestant school boards that you are trying to serve as well, I mean, to deal with other kinds of minority groups?

Mr. Irving: Well, George could answer that better than I could. Legally, no. I mean, the boards serve their entire clientele.

Mr. Cochran : Yes, but it hinges in part on the definition of Protestant and when you are talking about Quebec education that becomes, for many, a rather elusive term. Protestants in the religious sense means one thing. Protestant in the sense of Quebec education does not mean the same thing.

And we have had traditionally in the Protestant system, for one example in the schools of Montreal, a significant proportion of Jewish pupils. They have, with rare exception, gone either to the Protestant school or to private Jewish parochial schools and have contributed very richly to that school system. And I could recite names of a number of Jewish graduates of the Protestant School Board of Montreal including one whom some of you will have known, and that was David Lewis. There was one of literally hundreds. Mordacai is another. They both went to the same high school, but not at the same time.

Now, I am not sure when you would make reference to the heritage program -- there is, or there was -- I am not sure if it still exists, I assume it still does -- a comparable program in Quebec that was known by an acronym of "PELLO". I forget what that stands for but the last two words were the language of origin. And that provided, or was intended to encourage teaching children in Italian or Portugese, or what have you, so that that aspect of their culture could be kept alive with some sort of support from the school.

Mr. Cousens: Is it still existing?

Mr. Cochran : I have not been working the

schools for a few years so I cannot vouch for that. It was not a particularly prominent part, it was only a very small aspect of the overall education enterprise. It was an attempt to do the type of thing which I imagine the heritage program does.

Ms Hone: It is used in schools as a supplement to the regular program and in most, the Montreal Catholic Board especially, has a lot of these programs and either extends the day or put in the lunch hour, but it is a program given to the children especially for their language of origin and it is requested by the parents of the board and then the board is funded by the government under the special regulations to provide these programs in the language of origin.

Mr. Cousens: Thank you, very much.

Mr. Irving: I think there are other programs which do not involve the schools for the various ethnic minorities.

I would like, just before I stop, to say that there was one other case just last year -- it slipped my mind, and it relates to the subject -- because the government last year passed a law which said that no one was allowed to vote for the election of school Commissioners in the denominational boards who was not a member of the denomination concerned. So no non-Protestant would have been allowed to vote for school Commissioners in the Protestant School Board of Greater Montreal, for example, or the Catholic Board in Montreal.

Their definition of denominational board was only the Montreal boards and the Quebec City boards and, strangely enough -- I do not even like to say it -- but it was only the Protestant boards which challenged that in court. The Montreal Catholic board was quite happy with it.

Anyway, we had it thrown out on the basis of section 93, but that is something that the present government, I must say, was much opposed to and they have repealed it, because we had it thrown out, but it was going into the Court of Appeal. They are not appealing and they are repealing the law. That was another example of section 93 and that could have some bearing in Ontario.

Mr. Cousens: Could I ask one more quick question. I guess when you are in such a state of confronting the government so often, it is costing a fortune.

Ms Hone: It is.

Mr. Cousens: How is it you get your money for this, because I really do not envy you with this state that you are in.

Ms Hone: When Bill-40, which became Bill-3 first appeared on the horizon, the Quebec Association of Protestant School Boards was very much concerned and they initiated a task force which raised public moneys to support this and the boards contributed so much; it was a levy amongst the boards. And when this was first proposed at the annual meeting of our Association everyone was in agreement and it is added on to the student fees that we pay to the Quebec Association of Protestant School Boards. But everybody felt that-it was essential that it be done and in some communities the public were very, very supportive of this.

Mr. Cousens: Thank you, very much.

The Chairman: Thank you. Mr. Pollack?

Mr. Pollock: Two quick questions, both of them loaded.

What do you think of Bill-101? And do you think it is really constitutional or legal?

Mr. Irving: Wow!

Ms Hone: We will let you answer that.

Mr. Irving: Well there is no one-word answer to either of those questions. There are aspects of Bill-101 which I personally find offensive. In other aspects you could make a strong argument that it has done a good thing over the years.

There is certainly one thing. There is no doubt that there is more linguistic peace in Quebec than there was 10 years ago. If you want a homely illustration of it, when I started to practice law here, which was in the 60s, it was just automatic that everybody spoke English. You know, if a Francophone and an Anglophone were talking, you used English. And that was a very unhealthy situation. And even among all my friends through my generation, they all still remember that you could not get served in French in Montreal, and so on and it was really something that needed to be dealt with.

Now maybe the Bill went too far in some respects, but one thing it has certainly done is to make

these people feel more at home in their own language here. So I am not entirely an opponent of it.

As far as schools are concerned, it was declared to be unconstitutional insofar as it is not in accordance with the Canadian Charter. So it is not operative any longer as far as education is concerned. Although an American, for example, coming to Quebec would still not be able to send a child to an English school.

I do not think there is serious doubt about some parts of its constitutionality, particularly on the signs and so on. But generally linguistic matters are within the jurisdiction of the provinces, although it had the unfortunate effect of bolstering the population of Mississauga, for example. You know, people did respond to it rather violently at the time. But it really has settled down quite a lot.

So it is very difficult to give you a short answer. It reflected a serious malaise in Quebec at the time and something had to be done about it. I think certainly it went too far in some respects but you could debate the details. I think it is basically constitutional and some parts of it may be open to challenge.

Some parts are being challenged now in the courts. There are various court cases hanging around. There is one which was taken against Bill-101 almost at the time it was enacted which has never yet been heard for one reason or another, but it is still pending and one of these days it will come up.

The Chairman: Thank you. Anything else?

Mr. McKessock?

Mr. McKessock: On the question of the language boards versus the Catholic and Protestant, what stage is this in now in Quebec? Is this a White Paper that is out, or who is discussing it?

Mr. Irving: Well, there was a White Paper which was followed by Bill-40 and which was followed by Bill-3 which set up the linguistic boards. Bill-3 was challenged. The Quebec Superior Court, which is the equivalent of the Ontario High Court -- the Supreme Court of Ontario, Trial Division -- our Superior Court said it was entirely unconstitutional in June of last year. The government has given notice of appeal, but almost a year has gone by and they have not done anything about the appeal. And I think the present government is looking very seriously at it to see whether they want to pursue

the appeal or perhaps simply drop the idea of Bill-3 and start over again.

So I think the answer is that it is in limbo at the moment. Mr. Ryan has made it clear that he wants to take some time and he certainly wants to have a consultation process before bringing in any new legislation. But he has also made it clear that he is in favour -- at least off the island of Montreal -- that he is in favour of linguistic boards.

Mr. McKessock: I took it from the previous delegation, or the spokesman for it, that they were in favour. He was a Catholic and I noticed maybe more hesitation from you than I did from them as to the Catholic and Protestants getting together. But from both of you there seems to be an agreement that it could be done as far as the religious aspect is concerned.

Now, is that a -- you did point out that there will be extremes, I guess, on both sides -- but is that a realistic opinion for us to take back? That as far as religion is concerned it will probably -- boards will be able to be formed by languages rather than religion?

Mr. Irving: Well, I guess as we would see it -- I mean, as long as section 93 is there -- the Protestant boards as such would remain because so as to get the protection of that part of the Constitution. But subject to that, and with some goodwill on both sides, a way can be worked out so that in practice English education can be run on a more or less linguistic basis and Catholics can be properly accommodated, both as regards voting for the people who are going to run their schools -- if there is any running left to do after the government is finished -- and as to the religious side of the education of their children. With goodwill on both sides I can certainly see a legal way of getting it done.

But I think you would not want to take back the idea that the Protestant boards would cease to exist, because if they cease to exist there is not going to be anybody left to get the protection of the Constitution as it is needed on these issues of local control.

So it would be a funny kind of amalgam where the reality, the working reality, and the legal underpinnings might be really quite different. But it would work. I think it can be made to work.

Mr. McKessock: What is the percentage of English-speaking in Quebec?

Mr. Irving: It depends on who you ask. Thirteen percent?

Mr. Cochrane: It is somewhere in that range. I was looking at those statistics a few days ago -- twelve, fourteen, thirteen, fourteen per cent. You have to be careful with those statistics because you have persons who have come, say, from Italy and have integrated into the English community. Now, do you call that English-speaking, or do you call them Italian?

Mr. McKessock: What is the total population of Quebec?

Mr. Irving: Five million and a bit.

Mr. Cochran : It is in excess of five million.

Mr. Irving: It is over five, I think it is close to six.

What is Ontario, now, eight, five or nine?

Mr. McKessock: Nine, just over nine.

Mr. Irving: We are around six then.

Mr. McKessock: Can you tell me how many dollars you spend on education in Quebec?

Mr. Cochran : No, not off hand. We could get you that. It is available, you know; I was looking at those statistics a few days ago. I do not remember the figure.

Mr. Irving: It is a question of whether your were looking for last year or this year.

Mr. Cochran : On a per capita basis it is higher than that of your province.

Ms Hone: It is approximately 3,000 and a bit per capita at the present moment, elementary and secondary.

The Chairman: Our clerk reminds us that we will be speaking to persons from the Ministry tomorrow.

Mr. McKessock: Yes, okay. I just wanted to see if it was costing more per capita. I assumed it was when you talked about the small schools that you had in the distance. You had to move some of these.

Ms Hone: The financing is done across the Province on a per capita basis, so that is why there is some problems in boards who are scattered over a great distance. The regional board of Eastern Québec is greater in territory than the State of Texas and so to manage that, there is a lot of need to spend dollars on travelling people and that is time, and time is money. And in some areas of the Province the dollar does not go as far as it would in a metropolitan or urban area. There are adjustments made, but basically it is a per capita.

Mr. Irving: You want to remember also that our grade 11 is the equivalent at least of your Ontario grade 12. So I mean the program is a little more intensive. There is at least one year less.

Mr. Guindon: And you have the CGEP and we know that.

Mr. Irving: We did not used to though, you see.

Mr. Cochran : There is another interesting distinction between Ontario and Quebec which you might want to look at the figures on, and that is the extent of urbanization. The number of urban centres in Ontario of a population of, say, 50,000 and more is many, many times greater than that of Quebec which has certain implications for the funding of education and organizing it.

Mr. McKessock: Yes, thank you.

The Chairman: Thank you, and Gilles Pouliot to wind up our questioning, I think.

Mr. Pouliot: I will be brief. Mr. Chairman, thank you.

It is not my intention to baptize our liberal colleague Christine Hart, but following one of your observations Christine has -- I find the situation paradoxical whereby as parents of pupils get older in Quebec, the tend to be less "Catholic", if there is any such thing, and yet in Ontario, as soon as they cross the border they become more so. It knows no boundaries. In fact, as you are well aware, we are contemplating it very seriously and, with certain amendments, it seemed to be if not a guarantee, close to a certainty that Bill-30 which provides for supplementary funding to the Catholic entity in the Province of Ontario will soon become law.

Mr. Irving: That is if the Supreme Court

does not say or do anything.

Mr. Pouliot: Yes, notwithstanding the jurisprudence and the legal minds, but we have also talked in the same breath about political will, and this is the situation that I intend to address briefly.

I mean I am not going to call to make the adversarial system -- we do very well where we are from -- however, when we say that they tend to become less Catholic, I am wondering -- being drawn on language lines if not given a choice -- would that be due to lack of facilities where people would be invited to look at the curriculum, to look at what services are available, to look at the essence of education as opposed to, say, given all factors being equal, I wish to send my child to the English public. Would I be right in assuming that I do so because the same curriculum, the same standards are not available because of declining enrollment, because of remoteness in the Catholic entity?

Ms Hone: I lost you. Could you repeat the question?

One thing I want to establish first of all -- I think -- I do not think as they grow up they become less Catholic as much as they feel that in elementary schools that the children have had a very good basic start in their religion and that there need not be as much emphasis on it if they choose to send them to a high school later, that is, in the Protestant sector. Do you understand?

Mr. Pouliot: Oh, yes, as much as you understood me, I do.

Ms Hone: Now, you asked your second question.

Mr. Pouliot: I am just wondering if it is interpreted as not giving the policy of choice because the facilities simply do not exist, or they do exist, but they do not exist to the same extent? So then people are left with "Do I switch to French school? But no, I will not do that because my child is progressing in the English system". So then it becomes less important, but only in the perspective that there is no choice available. So therefore I will transfer to the best curriculum in the latter years of his secondary education.

Mr. Irving: Let me give you an example which comes out of one of the court cases I was talking about.

In the case where the parent is challenging the inter-board agreements at the moment, which is in an area of north of Montreal, there is simply no facility. The Catholic board, which is a French-language board, simply does not have a high school for English-speaking students. There is not one and so either it is go into the -- if you want to get an education in English at the secondary level, it is going to be in the school of the local Protestant board, or else switch into French. So in that case, it would simply be a matter of facilities.

The rest of it, I do not know. It would be very speculative as to why people would make that kind of decision. I think it is fair to say that because of the traditions of Protestant education in Quebec there certainly was a feeling at one time that the Protestant school system probably provided a better education. I do not think that is true anymore but, you know, these old traditions die hard and then maybe some people think that.

A lot of people would prefer to get into the Protestant French system in Montreal over the Catholic French system in Montreal because they are taught English. English is a second language in defiance, I may say, of the government's curriculum which does not allow it. English as a second language is taught starting from grade one. It is taught by people who can speak it and it is taught well. The government officially does not allow the teaching of English in grade one, or two, or three. You are not allowed to teach it until grade four.

Well a lot of people who are going to be in a French school anyway would pick the Protestant school just so that their kids are going to get second language English starting right away.

Mr. Ryan, I may say, has said pretty publicly that he disagrees strongly with this prohibition against teaching second language English and has said that he is determined that kids in the French schools are going to learn English properly. So there might be some changes there.

And there is so many reasons -- I think it is very difficult to tell you why. I think there is as many reasons as there are parents.

Ms Hone: Besides a prejudice which is in all societies between English and French and Protestant and Catholic, in some areas of the Province there is not as much tolerance among the French people for the minority English Catholics in their own system and there is a lack of understanding for the needs of the English Catholics.

If there is a small English Catholic school in a French board, they receive very little if any help in professional development, or the other resources that are necessary for education. This is one of the reasons why in these areas the English Catholics feel that they would benefit by a linguistic system rather than a Catholic system. They are not willing -- it is just facts of life that they would have a more tolerant and better resources in an English linguistic system of which the Protestant system would be the basis.

The Chairman: Thank you so much for giving us as comprehensive an overview as you can from the positions that you have occupied and still are occupying of the system as you see it and as it has been historically developed in Quebec. I think I speak for all of us, it has been a real educational experience. We appreciate the contribution all three of you made to it today and doubly thank you for coming. I hope we can return the favour somehow, maybe. Do not pass the cup, though.

Ms Hone: We made our donations.

The Chairman: Before the members leave, our clerk has some information for us.

--- Upon recessing at 12:24 p.m.

--- Upon resuming at 2:02 p.m.

The Chairman: Ladies and gentlemen, the time has come and we should start. We do have a quorum, unlike earlier this morning, so that because we have also been advised that we perhaps should conclude a little earlier, if we can, to make sure that traffic does not prevent us getting to the airport in time, we will start right now.

We appreciate -- I presume it is Mr. Matthews and Mr. Orr. Is that correct? Mr. Matthews is on the left, and Mr. Orr.

I am Gordon Dean, the Vice-Chairman. Our Chairman is not able to be here today. We have our clerk, Debbie Diller, Mr. McKessock, Mr. Poirier, Mr. Pollock, Mr. Guindon, Mr. Pouliot and Mr. Cousens. I know you will not remember those, but we represent all three parties of the Provincial Legislature.

We appreciate your taking time to come and see us here to give us, from the perspective of the Eastern Townships School Board, some of the experiences and opinions that you have concerning minority language education in Quebec. I guess you understand that we are trying to figure out something for the same thing in Ontario.

We would be pleased to hear from you if you have a statement to make. If not, we will fire questions.

Mr. Matthews: We would like to say that we are glad to have an opportunity to talk about our particular area of Quebec and to add that because of the system of so-called Protestant education in Quebec, one board, one territory relates very much to other territories. And so it is that we have contacts with just about all the English-speaking communities across Quebec.

We also would say that in the last few years we have come from a position which one might see reflected in your Bill-75 to a situation in progress today which differs quite substantially from what we think we see in your document. So we are looking forward to hearing your questions and I think that might be better than for us to tell you how it is done correctly in Quebec.

The Chairman: Thank you very much. We will see if we can live up to your expectations of asking some good questions. First, Mr. Cousens:

Mr. Cousens: Mr. Chairman just before we started I had the pleasure of meeting Mr. Orr and I would like to ask him what he thinks of Bill-75 and whether or not it begins to address the whole question of serving the French minority in the Province of Ontario and whether or not there are any other ways we could approach it. Now that you have been asked a question, I am anxious to hear what you have to say -- if you can.

Mr. Matthews: Are you addressing me?

Mr. Cousens: Yes. Are you Mr. Orr?

Mr. Matthews: No, I am Tom Matthews.

Mr. Cousens: I am sorry, I have reversed them here. But, Mr. Matthews, I would love to hear you open that up.

Mr. Matthews: We would be very cautious about making comments on your Bill in relation to your situation in Ontario, so we can relate it more to our situation and it is in that context I wish to speak. Lest I be accused of arrogance in this matter, I want to continually remind you that I know very little about what is going on in Ontario and plead that ignorance.

You know the history of our educational system. I will not bore you with it. We have evolved as a Protestant system which is de facto an Anglophone system off the island of Montreal. There are very few English Catholic sectors left, although there are some. In our part of the world the Protestant system has become, through a quirk of fate, the English system.

A few years ago Dr. Laurin proposed unification. We studied that with great interest and with some apprehension along with our colleagues on the Francophone side and we came to the general consensus, for different reasons though, that unification was not what we were headed for. It was not something which would offer so-called guarantees and protection for the Anglophone community, nor would it really strengthen the Francophone community. In fact it was thought that it might create dissention and confusion in the French boards -- so-called Catholic boards. We then moved away from that to a notion of linguistic boards.

It is our position in the Eastern Townships -- and I have to say this very strongly -- that prefer the linguistic notion of division of the systems. That is to say, an English system and a French system. The constitution of the English system in our system is quite

easy. We simply collect all the English students from the Eastern Townships. If they are Catholic we collect them under the inter-board agreements and educate them with funds from the Catholic boards. If they are Protestants, other, or none, then they are simply in under our own tax rolls and integrated as Protestants. Allowing for special programming -- and I can go into the programming differences later.

So we have come from a position where the total integration was examined to a position where we firmly adopt the notion of linguistic boards. We think that there is great danger -- perhaps that is strong -- we think that there is very little advantage in looking politically, educationally, or socially, at integrated boards. We do not think that that would protect our identity. We do not think that that would enhance our growth and development. And we are not, at this time, prepared for assimilation. We are, of course, Quebecois, but we are English Quebecois.

Does that answer your question?

Mr. Cousens: Yes, thank you.

The Chairman: Mr. Pollock?

Mr. Pollock: All the groups that have come before us today have been supporting the linguistic system. Is there any groups around that support any other type of a system?

Mr. Matthews: Yes, there are. The system that has evolved in Quebec supports the confessional division. In the courts of the land, the English system is protected by confessional parts of the BNA Act. So yes, indeed, legally speaking there is quite a few people who are hanging onto that confessional guarantees as opposed -- well, in view of any other protection.

As from an educator's point of view and an administrator's point of view off the island of Montreal, I would say there are very few who are still holding on to confessional divisions for educational reasons. Politically though, it is just a matter of fact there has to be that interest so expressed, and you will, without doubt, meet people who have very firm views on the necessity of dividing education in this province on confessional lines.

Mr. Orr: Could I add: there is no group that is supporting unified boards at this point in the English speaking community. There was virtually no support for that option when it was proposed a few years back.

The Chairman: Thank you. Any further questions? Jim?

Mr. Pollock: No, thank you.

Mr. McKessock: There was no support but there is now?

Mr. Orr: No, there was no support and there is not now support. That has not been seen as a viable option. It has been seen as essential that the English-speaking community have real control and management of its school system and for a whole series of reasons the unified board approach did not seem appropriate in the Quebec context.

So at the time of Mr. Laurin's projet, as I say, this was -- and this goes back three or four years now -- there was no group publicly supporting that option and, as far as I know, in the latest discussions that are going on there is no group that is seriously looking at unified boards.

Mr. Pollock: My question was more along the lines of could you verify whether there is any groups really promoting the English Catholic position?

Mr. Matthews: Yes, there are. Actually, because as a result of -- actually, because of the decision of the Court of Appeal of Ontario around section 23 -- there is a court action that has been recently initiated by an English Catholic parent attacking inter-board agreements and claiming the right of his child to attend an English Catholic school. This causes us great concern in the English-speaking community because we are looking at the very real possibility, because of section 23 and section 93, of four separate public school systems in this Province. And for that reason we are very interested in the latest round of constitutional negotiations and have been very supportive of Mr. Remiard's (phonetic) inclusion of clear section 23 guarantees as part of the Quebec package.

But, yes, people are moving in that direction because we now have both section 23 and section 93, and that opens the door in a Quebec context for four separate systems.

Mr. Pollock: Okay, fine.

The Chairman: Thank you.

Mr. Pollock: That would be a disaster.

Mr. Matthews: Yes, it would be disastrous for us.

The Chairman: Jean Poirier?

Mr. Poirier: What I wanted to know was -- obviously there is a movement, as you mentioned, towards linguistic boards. What would you feel -- what is your opinion pertaining to that English-Catholic's parent's decision to go to the courts to get his or her rights, section 23 rights -- or 93 in that particular case?

Would you feel that if these linguistic boards came around, and I am talking hypothetically right now, that those who have stronger religious views -- do you feel that within these boards their religious belief in education coupling religion and education could be met? For example, if you had your English language school board where you could have one school that is Protestant or non-denominational and the other one English Catholic -- has there been some discussion in the Eastern Townships pertaining to that?

Mr. Matthews: The Ministry's proposal for the unified system contains some very interesting proposals on the school level so we have of course rejected unified schools. But we have looked at some of the thoughts that the Ministry has had about confessionality in the community. We think that we are convinced that if we were to go to linguistic boards -- and effectively we have done that in the Eastern Townships, if only de facto -- we can protect the rights of the individual with relation to his religious or sectorial persuasion.

In our Protestant schools we have the full Protestant moral and religious instruction program. We also have the full Roman Catholic instruction. We also offer an ethics program for those who profess no faith. We think that we can do better than that with watchdog committees -- more guidelines if you would like. When the time comes that we become linguistic -- and we hope that that will come one day -- we think that in the legislation that will be proposed at that time there will be guarantees for parental watchdogging, what is going on in the schools.

You will notice that I am talking schools, because I think that it is probably better to reflect the religious needs of the parents at the school level rather than at the board level. We think that it would not be wise to then try to work out the majority religious

persuasion in a community and then label the board of that persuasion.

Mr. Poirier: So it would be on a community or a school based level that would distinguish what particular attachment there is to that particular school?

Mr. Matthews: That is right. But we would never go as far as has been done in some cases where schools have become exclusively related to one religion. So you have had l'ecole Pont Cote and that would mean that a Catholic would not be welcome in that school. Or a Protestant of another sect would not be welcome in that school. This would be a very dangerous development and we would not support that.

Mr. Poirier: Right. If I look at this carefully, the Protestant school boards, the territory for your school boards do not necessarily match and overlap the Catholic school boards.

Mr. Matthews: Yes, indeed it does. Our territory overlaps the territory of seven Catholic boards. In addition to that we receive students from other boards outside our own territory. I think it is 11 boards we service in all. It is a huge area of Quebec.

Mr. Poirier: So you were able to decide yourself what your territory would be?

Mr. Matthews: No. Our territory was decided years ago by law when this was set up, recently modified; it changed very slightly. Our board is a huge plot of land not changed by recent legislation. The Catholic boards, however, have been changed by recent legislation and the big regional boards have been broken up into their composite boards, once again, so I think it is seven or eight new boards that have been recreated and we will continue to service the English population from that territory.

Mr. Poirier: So a designation of territory for each board is independent of the needs. Like the Catholic school board, the law says that is your territory and for your Protestant school board the law determines that is your territory and that is not necessarily the same geographical territory. Right?

Mr. Matthews: That is correct.

Mr. Poirier: Okay.

Mr. Matthews: An English minority board may cover the territories of several majority boards.

Mr. Poirier: So would you say that yours is a regional school board? How big is it, for example? How many Anglophones do you serve -- or non-Catholic maybe is a better word.

Mr. Matthews: Yes, I think it is better to say Anglophone because we do not operate a French system. We have the right as a Protestant system to operate French Protestant schools. We do not have the right -- we do not do that -- we just run an English system.

Our elementary population is about 1,250 and secondary population would be about 2,400, I should think. Then we would service adult education as well.

Mr. Poirier: How many schools would that represent in all?

Mr. Matthews: Eleven elementary schools, two secondary schools, an adult education centre and two centres for the severely disabled.

Mr. Poirier: Right. And if you changed over to a linguistic-based board, would that affect, do you think, your territory as you now have it?

Mr. Matthews: That is an excellent question monsieur Poirier. It would, in fact, because in our area we still have an English Catholic school. That is to say a school within our territory that is operated by a Catholic -- in this case a French Catholic board. There is no projected animosity when that day comes. It is simply something that has been left over from the past and, indeed, we have assimilated another French Catholic school in the last twelve months in another corner of our territory. It was a very smooth assimilation. In fact, a very rich one, because we gained a great deal from the students we have brought in and their staff.

Mr. Poirier: How did that come about if I may ask?

Mr. Matthews: The parents initiated steps to be integrated into our system. They requested it; they were supported by their board. In addition, the teachers and the teachers' union took the appropriate steps to become integrated. We took all those students, all the teachers, the parents on the parents committees; they just became part of our fabric.

Mr. Poirier: Well, we have a lot to learn from an easy integration that there sort of appears to be in your own school board.

Mr. Matthews: I am sure they are not all as easy as that, but we were dealing with some very enlightened and forward-thinking people who will be willing to spend hours with me fighting and debating on programs in the school but not a great deal of time on politics.

Mr. Poirier: Can I ask one more question?

The Chairman: I think the indication was that politics are not important.

Mr. Poirier: Yes, exactly. Let us not forget the first reason, right?

Can I ask one more question?

The Chairman: Yes, one more then over to Gilles.

Mr. Poirier: Pertaining to the division of financial pie for which your financial needs are to run your school board and the Catholic school board and whatever; as you have probably realized, in Bill-75 there is a requisition that some of the financing, the administration of the budget, would be joint administration. Could I have your comments on pros and cons of that. Or how do you feel about that? For example, if you had your linguistic board, would you prefer to have complete autonomous control that budget, or would you mind sharing some, or wht?

Mr. Matthews: Now remembering please, as I mentioned to Mr. Cousens at the beginning and to Mr. Pouliot earlier, we are keeping this in the context of Quebec.

Mr. Poirier: That is right.

Mr. Matthews: It is not meant to be any kind of reflection. We would think it not wise to proceed with unified boards at any level. Even the pots that are handed out regionally which must be divided between the Catholic and the Protestant boards in our so-called regional bureaus poses some difficulties and some embarrassments at the regional level. Quite often those funds are disbursed, not on the basis of needs, but on the basis of fairness. So if the Anglophones are so-called 20 per cent, they get 20 per cent of the pot. Whereas the Anglophones may need more than that for a special project or they may need less than that, or the Francophones may need more and so on.

We would not think that joint administrations would be very efficient or would promote the harmony that is required.

Mr. Poirier: Thank you, very much. I appreciate that. Mr. Chairman?

The Chairman: Thank you, Mr. Poirier. Mr. Pouliot?

Mr. Pouliot: Mr. Chairman, without sounding repetitious one more time my distinguished colleague, Mr. Poirier, seemed to have "stolen" my question. But I have learned long ago that dealing with these distinguished people that you do not give up your turn. So, I am seeking reinforcement in the concept of the spirit of Bill-75. Your predecessors this morning seemed to favour that boards of education when dealing with minority education governments be autonomus. Would you adhere to that position, or would you prefer to see an integrated sort of entity?

Mr. Matthews: Again, Mr. Pouliot, in the context of Quebec --

Mr. Pouliot: No, in the context where we travelled together; I know that there was a reluctance that we could not -- you would not share with the responsibility -- if we agree to carry the guilt, would you come to Ontario and let us situate ourself for this purpose in Bill-75, because we are here seeking advice, we are here to listen and we know that those are friendly voices. Would you favour -- do you see the normal evolution in terms of a board saying "you give me jurisdictional capacity and am I going to be autonomous or am I going to be integrated with another entity?"

Mr. Matthews: Do you want to handle this one?

Mr. Orr: Yes. Well, seeing as how you will carry all the guilt, looking at Bill-75, the proposed law, I was struck by the fact that in terms of the division of powers, the division of powers that was contemplated, looked very much like one stage in the process of Dr. Laurin's various proposals for English-language boards here in Quebec a few years back.

That is to say that there were a number of centralized services that were controlled by the board as a whole and some services that could been seen as of specific concern to the minority community which are given sole jurisdiction to the minority sector of the board.

On some of those we frankly -- I mean, having been through the process of looking at these kinds of ideas in the Quebec context -- we were concerned about certain things like, for example, control of transportation by the entire board. As you can imagine, in our situation where we cover the territory of seven or eight Catholic boards, trying to come up with a transportation scheme and system which could be integrated amongst both English-speaking and French-speaking students is an unsurmountable problem -- at least from our perspective.

You should notice in a parenthesis that this one of the things that our board has to do in order to give adequate education services, is run its own fleet of buses over a territory of about 10,000 square miles which we do actually much more efficiently than most people do. But it is still a cost that has to be borne in this kind of a system. We think it can be done efficiently. We do not think it has to compromise the education that we give our kids. As a matter of fact, it is essential.

Looking, for example, at allocations of special budgets, Mr. Matthews mentioned that, from time to time a community has to act as what it sees as the priorities for its community. To give a specific example, our community has recognized that it is essential that English-speaking students have as good French second language programming as we can possibly provide. As a step in that direction our board has implemented an all-day bilingual kindergarden for all students coming into our system. We do not get funding for more than half a day for kindergarden and our board has to pick up the cost of the rest of that day. It has to pick up the cost of the many of the developmental costs of materials, et cetera, et cetera.

In a unified board one would be faced, one assumes, with a yearly political struggle at the level of the board to be able to defend these kinds of priority items that are more costly because of the unique nature of one community or another. So because the needs of the communities are often different, frankly because the educational approach often differs between the communities, and because we cannot look at serving exactly the same territory, we would find it difficult to move towards unification at most any level one could conceive in the boards.

Mr. Pouliot: Thank you, Mr. Chairman.

The Chairman: Mr. Hennessy? Welcome back.

Mr. Hennessy: Just to repeat the question I asked this morning, in the event that a Roman Catholic wanted to go to a public school, or the other way around, if somebody wants to go to the Catholic school, do they have to take religious instructions?

Mr. Matthews: In the Province of Quebec you are free to choose to identify yourself as Protestant, Catholic, other and none. You can make that choice yearly and you do not have to choose the same status twice in a row. You can change your status whenever you like.

Mr. Hennessy: Let us say you were a Protestant and you went to a Roman Catholic school, would you have to take the religious instructions?

Mr. Matthews: You would not have to take the religious instruction. Furthermore, if you were in under an agreement you could get Protestant instruction if you wished. You could also get a neutral course in ethics which would not touch morality or religions as such, as well. So Quebec provides for divisions and diversions.

Mr. Orr: That right is protected by the Quebec Charter of Human Rights and so that any move towards preventing that would be seen as an infringement of the student's right to religious expression.

Mr. Hennessy: I just wanted to let you know that the Chairman is a fourth party, so do not worry about him.

The Chairman: Thank you. Luc?

Mr. Guindon: Thank you, Mr. Chairman.

Just to make you repeat because, I am sorry, I did not catch all of the numbers, how large is your board and student population, secondary and elementary?

Mr. Matthews: What I would prefer to do in answer to that question, now that I have it, is send you the detail in each school and the detail in the total numbers of the students by age and detail on our territory. And I will send that to your Commission tomorrow. I will need somebody's business card where I may address this, but I think that might be better than for me to try to dredge up the numbers from memory. And this will also provide you a map and a profile of the territory we serve and also I will try to indicate the outlines of the Catholic boards we are super-imposed upon -- that is to say the French system that we are super-imposed upon. I think it might be better to have

this information in writing.

So I would be pleased to provide you with that information. I will send you the information tomorrow.

Mr. Guindon: I would appreciate that very much.

In a few words you mentioned that unified boards would be disastrous. I think that is the word you used. Could you just elaborate on that for me a bit.

Mr. Matthews: Yes. Again, in our context, a unified board in our area would mean we would have a single administration looking after now Protestant and Catholic instruction or, as Dr. Laurin saw it, English and French instruction. We would then have English-speaking students from a vast territory going to schools in collector zones as apart as a system of Francophones' students going to their schools in the same zone. Transportation would be a nightmare.

Then the political problems of running special programs. If we need our taxpayers to pay \$300,000 a year to run a French as a second language program, we can go to our taxpayers, Anglophones, and we say "Now listen, we think this is a priority"? If the majority of our taxpayers were Francophone -- and they would be in our system -- would they consider it a priority? Would we in fact get the money to run our special programs to train English-speaking students to become proficient in French?

So the priorities of the total area might not be the priorities of our community any longer. And we would be afraid of that. We think that we would lose our identity as a society -- and English society in a French milieu in the Eastern Townships -- with special needs and with special aspirations.

Now, we do call ourselves Quebecois, but we also know that we are English Quebecois and distinct.

Mr. Guindon: Okay. Was there any thought given to a type of umbrella board? Would that be the same thing?

Mr. Matthews: That would be a unified board I think.

Mr. Guindon: To you that is a unified board?

Mr. Matthews: For us that would be a unified

board. We must have autonomy. We must have control of our budget. We must have control of our curriculum, or our programs. We must run our own show.

Mr. Guindon: You would not agree to an umbrella board, but having an English panel or a Protestant panel, or whatever? I am not used to the terms in Quebec that is why --

Mr. Matthews: Because we have taxpayers --

Mr. Guindon: I beg your pardon?

Mr. Matthews: Because we have taxpayers in our system, the taxpayers effectively call the shots through the election of their Commissioners who control the board. An umbrella board would mean taxpayers from the whole area it serves; that would put the English population in a very small minority position. No matter if you had two systems or three, you would have one large system directing the interests and protecting the interests of the smaller ones. We would rather protect our own interests, although that is not a reflection of any bad intentions on the part of the majority in this Province. In fact, we have lots of examples of very close co-operation. But we think it is in everybody's best interests to establish our own priorities and to control our own system.

Mr. Guindon: Right. Thank you.

The Chairman: Anyone else?

I just have one question and I do not believe we have asked anybody before. That is: what is the position and the feelings of the French-speaking Protestants in all of this? Or are there not any?

Mr. Matthews: In the Province of Quebec we have some examples. In Montreal and on the South Shore, Eastern Quebec and, I think, up in the Hull-Ottawa area we have some French Protestant schools operating under the aegis of the Protestant boards. That would mean effectively that you have -- I will have to skip down to Montreal now -- that you would have a fairly large English Protestant population and within that system you might have a French Protestant school, or two or three.

Our territory does not have any French Protestant schools. Our French Protestants go to the French Catholic schools by agreement and are provided -- and are expected -- to receive Protestant instruction as our English Catholic students in our system expect to receive and do receive Catholic religious instruction.

The Chairman: And by and large both those groups seem to be content with that arrangement?

Mr. Matthews: We are perfectly content from our point of view and, again, it is hard for me to speak for another group, but I do not have any evidence of discontent from our territory.

The Chairman: Thank you.

Luc, a supplementary?

Mr. Guindon: For the students who go to either a Catholic school who are Protestant -- and let us say it is because of distance -- do they still take the religious courses?

Mr. Matthews: If I understand your question, an English Catholic student going to an English Protestant school?

Mr. Guindon: Yes, or vice versa, sure.

Mr. Matthews: Or vice versa. He would expect to receive English Catholic instruction although he is attending a Protestant school.

Mr. Guindon: Are there any exceptions?

Mr. Matthews: Exceptions? Yes. The parents might say -- although he is a Catholic -- the parents might say we do not wish him to receive Roman Catholic instruction in the Protestant school. We wish him to receive a moral course, or an ethics course, and he would have the right to that. The parents might also say, although they are Catholics, they do not wish their child to have any religious instruction of any kind.

Mr. Guindon: So, if I understand right, not to repeat, but to understand, to clarify, the Catholic student going to a Protestant school can receive Catholic education in a Protestant school

Mr. Matthews: That is correct.

Mr. Guindon: Okay. Thank you.

The Chairman: Thank you. Anyone else?

Thank you very much for answering our questions so candidly and, shall I say, comprehensively but briefly. And thank you, members of the Committee for not drawing things out too long; I guess the Committee

has a vested interest in not missing the plane anyway.

And we also appreciate your willingness, Mr. Matthews, to send us the other information. That will give us an idea if it really is 10,000 miles; that is almost as big as Southern Ontario.

Mr. Matthews: It is one of our smaller boards.

Mr. Guindon: The member from Northern Ontario is going to start complaining.

The Chairman: Oh, I am sorry, you had a final comment?

Mr. Pouliot: If I may, I understand that you are very rigid, and rightly so, Mr. Chairman, that there is not much flexibility, therefore I do not intend to take too much of your time.

Simply to mention on a point of order that it strikes me that your good office has offered to leave us a name of not an expert, an authority -- someone that dwelt extensively on matters of this nature and he now resides in Winnipeg. Would you care to favour us with that information?

Mr. Matthews: Yes, the previous Director-General of the Eastern Townships, at that time the regional school board, was a Mr. Wendell Sparks who has had a great deal of background in the Quebec scene. And he has moved to Winnipeg and I think it is called the Seine River School Board or Seine River School Commission. I will send you his name and his school board's name and his address along with the same information. And since he has become very much involved in French education in Manitoba, working for an English board, you might find it quite useful to have a chat with him. He just a fount of information.

Mr. Pouliot: Thank you, very much.

The Chairman: Thank you, again gentlemen for taking the time to come and share some of your experiences and knowledge with us.

Winnipeg next?

--- Upon adjourning at 2:39 p.m.

JA20N
XC 16
G 24

STANDING COMMITTEE ON GENERAL GOVERNMENT
BILL 75, EDUCATION AMENDMENT ACT
FRIDAY, MAY 23, 1986



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G.R. (Dufferin-Simcoe PC)
VICE-CHAIRMAN: Dean, G.H. (Wentworth PC)
Bryden, M.H. (Beaches-Woodbine NDP)
Cousens, W.D. (York Centre PC)
Guindon, L.B. (Cornwall PC)
Hart, C.E. (York East L)
Henderson, D. J. (Humber L)
McKessock, R. (Grey L)
Newman, B. (Windsor-Walkerville L)
Pollock, G. (Hastings-Peterborough PC)
Pouliot, G. (Lake Nipigon NDP)

Substitutions:

Hennessy, M. (Fort William PC) for Mr. McCague
Poirier, J. (Prescott-Russell L) for Mr. Newman

Clerk: Deller, D.

Witnesses:

EASTERN QUEBEC REGIONAL SCHOOL BOARD

Jackson, Graham, Director of Instructional Services
Lockhard, Dale, Director of Student Services

MINISTRY OF EDUCATION, PROVINCE OF QUEBEC

Brown, Jerry
Fouthier, Andre, Chief of Staff
Blanchet, Marcel, Legal Adviser

---Upon commencing at 10:10 a.m.

CLERK OF THE COMMITTEE: At 11:00 o'clock, aside from Jerry Brown who is the English Educational Adviser, we will have André Fouthier who is the Chief of Staff, Ministry of Education, and Marcel Blanchet, the Legal Advisor. All three of those people will be coming at 11, so we will not have a meeting at 2:00 o'clock.

MR. COUSENS: We will not?

CLERK OF THE COMMITTEE: No.

THE CHAIRMAN: Speaking for myself, Bob, I would just as soon just wander around.

I hope everyone slept well.

Order, members, please. Debbie also has a letter that she would like to read to you just to let you know that other people are working on our behalf.

CLERK OF THE COMMITTEE: It was a note, actually, left by Don Stevenson who is the Ontario representative to the Government of Quebec. Probably most of you know Don Stevenson. He just says:

"Welcome to Quebec. I hope all goes well with your sessions tomorrow" -- dated yesterday -- "I'm sorry I have to return to Toronto now, as I would have liked to have been with you. Roger Aberlet (phonetic), Director of External Cooperation for the Quebec Ministry of Education, tells me that unfortunately the Minister and Deputy Minister of Education have to be in Montreal Friday, but he has the Chief of Cabinet for Mr. Ryan and the Director of Legal Services, at your disposal in the afternoon now and morning. He was trying to contact you in Montreal. Best wishes to your group and have a good session."

THE CHAIRMAN: Now, I think we are ready to commence and we welcome representatives from the Eastern Quebec Regional School Board, Mr. Jackson and Mr. Lockhard. Which one is Mr. Jackson? Please come forward.

I am Gordon Dean, the Vice-Chairman of the Committee. Our Chairman, unfortunately, could not come with us this time. Debbie Deller, you have met. We have Christine Hart, Bob McKessock, Jim Henderson and Jean Poirier who are all representatives of the Liberal Caucus. The man with a pipe in his mouth and a few words here and there is Mickey Hennessy. Luc Guindon, Jim Pollack, Don Cousens who, with me, are representatives of

the PC Caucus. And holding up the NDP end, and very well, is Gilles Pouliot.

We would be pleased, if you have some initial comments you want to make, gentlemen, to tell us something about how your board or the province in general deals with minority language governance here, and then we would like to ask you some questions.

MR. JACKSON: Thank you.

Graham Jackson. Dale and I are representing really our Director General, Bill Pennefather, who cannot be here today because he is in British Columbia attending an educational conference, he says ---

THE CHAIRMAN: That is not the reason Mr. Bennett is quitting out there, is it?

MR. JACKSON: --- so we are delegated.

The Eastern Quebec Regional School Board -- perhaps I should tell you a little bit about how we are composed. We actually serve five school boards. Basically, there are four elementary school boards and an umbrella secondary board called Eastern Quebec. These five boards encompass the territory of Eastern Quebec. We begin in the St. Maurice valley, with places like Three Rivers, Shawinigan, La Tuque, and then we come to the Greater Quebec area -- to the Greater Quebec Board -- and then we move up to the Lac St. Jean area, into Arvida -- they call it Jonquière now -- and Chibougamau. And then we go down to the North Shore, at Port Cartier, Sept-Iles, what was formerly Gagnon -- now closed -- Fairmont and Shefferville -- now closed. However, we do serve the Indian band of Naskapi, Cree Indians, in Shefferville. We just built them a new school, as a matter of fact.

And so we span a territory of I suppose 160,000 square miles, not quite as large as the Diocese of Quebec, but almost. I guess there are 180,000 square miles.

So we go sort of from Three Rivers eastward, and our neighbouring school boards would be Gaspé or the Litoral Board, which is the Lower North Shore.

Now, in terms of numbers, over the years our numbers have remained fairly stable. We formed a regional board in 1972, and in the Greater Quebec section of that -- at that time we had 867 students and now we have a projected enrollment of 985 -- so we have gone up slightly in Greater Quebec. But I must hasten to add that

part of that is that we have responded to a French Protestant phenomenon. Portions of the population here, in our board, are becoming Evangelized, and they are claiming education under us as a Protestant Board. So we are very happy to be opening schools where they speak French. They are experiencing quite considerable growth and I could give you some figures on that if you want later.

The St. Maurice Board -- that is the Three Rivers area and so on -- in '72 they began with 406 students and today -- well, projected for next year -- 583. So again there has been an increase there.

The Saguenay, with the aluminum company and of course the mining company up in Chibougamau -- we began with 383 and we are down to 320. So that is fairly stable.

The Regional Board, the Eastern Quebec or the Secondary Board -- we began with 2,000 and we have had a decrease. We are projecting just about 1,400 next year.

Oh, and of course the Seven Islands Board. We have had a tremendous decrease there, naturally, with all the iron ore problems. We began in '72 with 585 students and we are down now to 220. So there is a big decrease there, but I would attribute that mostly to the economic conditions rather, than to such things as Bill 101, which I am sure you are aware.

And so that is our territory. We serve French- and English-speaking students. We also serve in six different communities the Roman Catholic English-speaking communities. They have chosen, in six of our communities, to come in and to sign agreements with us whereby we guarantee to them Roman Catholic instruction -- Catholic religious instruction. That is, in fact, working very well -- where we have come together and both communities -- both Protestant and Roman Catholic -- have benefited, in my view.

It is much more difficult, of course, in a place like Quebec to sign agreements because you get entrenched positions on both sides -- both Catholic and Protestant. So we go our separate ways here in Quebec City. But in smaller communities, where the numbers are falling, then it is sensible for Catholics and Protestants to get together, with guarantees built in.

Perhaps I have said enough for the time being.

THE CHAIRMAN: How about Mr. Lockhard? Do you

care to make any comments at this time?

MR. LOCKHARD: No. I am here with Mr. Jackson. We discussed beforehand that he would give the general, overall presentation and I will be here to help respond to any questions you might have.

THE CHAIRMAN: We have our Chef de gastronomie, Jean Poirier, who would like to ask you the first question.

MR. POIRIER: Yes, Mr. Chairman.

I deal with kitchen matters, I guess -- I presume.

I would be interested -- the city of metropolitan Quebec here -- it is about -- what is the proportion of linguistic -- I have heard 97 to three per cent or -- what is the ---

MR. LOCKHARD: That is about right, now. Back in 1971, it was approximately six per cent and I believe it is three now.

MR. POIRIER: Three per cent. It would be interesting to find out what is happening. How is it dealt with here in Quebec City, in a metropolitan area -- just because of the three per cent to 97 -- where we have similar situations reversed in Ontario. How is it dealt with? Could you be more specific about Quebec, for example?

MR. JACKSON: How do you mean, how is it dealt with?

MR. LOCKHARD: Budget wise ---

MR. POIRIER: Yes, budget wise.

MR. JACKSON: Well, we are a Protestant Board and we are financed to about 94 per cent by the government and we are allowed to tax up to six per cent.

MR. POIRIER: M'hm.

MR. JACKSON: It makes a nice difference, actually. It does not sound much but it accounts for a lot of ---

MR. POIRIER: Can you give me a bit of statistics? For that three per cent population, how many schools do you have? How many students? How is it ---

MR. JACKSON: Of course, that three per cent population would encompass, in the Greater Quebec area, both Roman Catholic and Protestant, and therefore we, as Protestants, would only be a part of that. For instance, Quebec High School, our largest school, is about 420 students, whereas there are two Roman Catholic high schools in the city -- Katimavik and St. Pat's. They are actually getting together next year, and they will number, I suppose, about 600 -- I would think --put together.

MR. POIRIER: And the 420 in the Quebec High School -- this is a strictly Protestant high school, if I am not -- Anglophone Protestant?

MR. JACKSON: Yes, that is right. That is right. If an English-speaking Roman Catholic student should come to us, we send him off to St. Pat's or Katimavik because -- or the law does allow for students to sign -- or the parents to sign Protestant, other, or none, for education, and sometimes we do get some in under the other banners.

MR. POIRIER: Where an Anglophone might not want to have any religious education, so he would go to Quebec High School?

MR. JACKSON: Yes, yes. That would be Catholic religious instruction. Although the law does insist that we offer, in all our schools -- in Protestant schools -- MRE -- Moral and Religious Education, there is provision, of course, for exemption. We do not get very many of those.

MR. POIRIER: Right. And in the very smaller communities, how do you satisfy the needs where there is a very, very small number of Anglophones? How do you serve those needs?

MR. JACKSON: As I say, the Roman Catholics and Protestants come together and we give them both religious instruction. Provision is made for that.

MR. POIRIER: In your very own buildings or are they sometimes shared with other school boards?

MR. JACKSON: No, no. We are talking about quite small schools. For instance, our smallest school is five students -- a one-room school now in Shefferville. And we do have other small schools -- a small, one-room school outside of Quebec City of -- I think it is eight students this year -- one of our best schools as a matter of fact. And they get MRE -- Moral and Religious Education.

We -- in terms of curriculum, of course -- we believe that we should not give the students too much choice so we give them what we think they should have. We give them lots of French, of course, because our students here are very bilingual -- very bilingual.

MR. POIRIER: Do you have many French Immersion programs?

MR. JACKSON: No. We do not have French Immersion at all. In fact, quite a few French-speaking students -- mother tongue French -- I could give you those statistics if you -- could in fact get into our schools under the provision of Bill 101 if they can find loopholes -- and in fact we do have quite a number of students in our Protestant English system whose mother tongue is French. They are doing well. We give essentially an academic course. Our graduation rate is close to 90 per cent. In smaller communities where students fail they simply have to come back and try it again. We believe that -- with Dr. Bloom -- that given the right amount of time and the right teaching methods that you can teach over 90 per cent of the students almost anything you want to teach them. And I think we are proving that.

So we have very small schools and our students tend to do very well in these small schools and go on to college and university.

MR. POIRIER: One last question, Mr. Chairman. There is a tendency, or it seems to me from what we have been told and what we have read, to go to linguistic boards rather than denominational boards. Could we have your opinion on how you would see it if those who would want -- like Protestant values or Roman Catholic values in an English-language system should come about -- how do you see this? How do you feel about that?

MR. JACKSON: Dale and I may differ on this point. I feel that this is a very complex question and I would come down on the side of confessional boards. They have served this province well for 200 years, with all its complexity. I think we have learned respect for each other through that type of system.

Of course, in communities like Thetford Mines or Shawinigan or La Tuque or Seven Islands, where the communities have come together under the Protestant boards signing an agreement with the Roman Catholics. In fact, we have got a linguistic situation, with guarantees for the Roman Catholics.

The only other thing that I would say is that it is too bad at the moment that Roman Catholic parents cannot serve on our Protestant school board. I think if that could be organized with the guarantees, that then we could -- then it would be a much fairer system. In fact, I think it is agreed that the English-speaking Roman Catholics feel rather like second-class citizens. That is most unfortunate.

MR. POIRIER: Would you remind me if these people can switch over their taxes to you without -- they do; but they do not have the right to vote?

MR. JACKSON: Oh, the Roman Catholic parents?

MR. POIRIER: Yes.

MR. JACKSON: No, they would -- those that would come to us by agreement would leave their taxes with the Roman Catholic panel.

MR. POIRIER: And you get compensated by the Roman Catholic school board?

MR. JACKSON: Right.

MR. POIRIER: I see.

MR. JACKSON: And in fact they collect our taxes for us and give us our portion. But the French-speaking Evangelicals formerly were on the Roman Catholic tax rolls and when they come into our system we insist that eventually they turn their taxes over to us.

MR. POIRIER: And that is being done without any problems?

MR. JACKSON: Yes.

MR. POIRIER: Fair enough.

Mr. Lockhard, Mr. Jackson led to presume that you might have a different feeling?

MR. LOCKHARD: I am not really -- we really are not on opposite sides of the fence at all. I guess I could see the possibility of linguistic boards. We have arrived at, I think, a very workable arrangement with the Catholics that are in our system -- under the system that Mr. Jackson has just described. I think we could achieve the same thing from the other direction, of linguistic boards. I do, however, think that there would be a lot

of turmoil if we do go into a linguistic situation -- to set that system up.

I guess -- it was referred to a bit earlier -- I have another concern, and that is the role of the Catholic parent in terms of having the right to a democratic vote within our board, which would be sort of guaranteed under the linguistic -- and which could be -- arrangements could be made for under the system we now have.

So I am not really opposed to Mr. Jackson's position at all. We do have a system, I think, which works extremely well and I think there are a number of schools that surround us -- are quite jealous of what we have and feel we have -- would like to become a part of it.

I was a principal of a school for a number of years and I used to have parents in my office trying -- wanting their children to come to our school, and we could not accept them -- because they felt we were offering a very good education under the Protestant system.

MR. POIRIER: Can I ask you why you could not accept them?

MR. LOCKHARD: Because of Bill 101.

MR. POIRIER: I see. And that was the only reason?

MR. LOCKHARD: That was the only reason.

MR. JACKSON: And Catholics, of course.

MR. LOCKHARD: Well, I mean -- yes, I am sorry -- Bill 101 and if they were Catholic. But that is all part and parcel of the same thing.

MR. POIRIER: I see. Well, was not Bill 101 strictly a language bill?

MR. JACKSON: Yes.

MR. LOCKHARD: Yes. The two things would come together.

MR. POIRIER: Okay.

MR. LOCKHARD: Can I just go back? You also asked about budgets and how -- I am not an expert in the budget area, but in terms of -- each school board are

given some basic envelopes and very clear budgetary rules that are the same for every school board in the province, whether you are English-Catholic, English-Protestant or French-Catholic, French-Protestant. So it is -- I do not think there is any discrimination there in any way.

There are special fundings for special things that sometimes -- for example, if the moneys are set aside to improve English instruction in the French system, that money is not accessible to us because it is not set aside for improving French instruction in the English system ---

MR. POIRIER: Right.

MR. LOCKHARD: --- so there are a few times that we do not have access to certain fundings, but on other occasions we have fundings that the Catholic school boards or the French Catholic school boards do not have access to.

MR. POIRIER: One last question. As you know, Bill 75 -- as you know, part of Bill 75, in its present form, calls for maybe a joint administration of parts of the budget. How would you feel about that if this was your situation?

MR. LOCKHARD: I would not be -- maybe Mr. Jackson would like to answer on that. Our financial man is not here today and I really feel I would not be in a position to give an honest appraisal of that.

MR. POIRIER: Fair enough. Thank you.

THE CHAIRMAN: I have four other people who have indicated they wish to make preliminary questions. First, Mr. Guindon.

MR. GUINDON: Thank you, Mr. Chairman.

Good morning. Supplementary to Mr. Poirier's question in regards to services to pupils, if you have a student that lives in an area where you do not have a school, is it my understanding that you do not buy services from another school board for that student if, for curriculum reasons, he wants to go to that school because of the courses they give there?

MR. JACKSON: We feel strongly that we should maintain a school in those communities where there is some English-speaking population. Therefore, as I say, we have small schools like five students. That is pretty small. It is expensive in terms of teachers, because to staff that school we would need at least 1.2 teachers --

at the high school level, 1.5 teachers. But the Board has been prepared to finance that, to allow the students to stay at home.

We do, however, buy services from other school boards. I think you were in Montreal yesterday. We do send some of our students to Montreal or we send them to the eastern townships -- where we do not offer the appropriate course -- special ed, for instance. Generally speaking, we try to integrate students with problems, but some are sufficiently severe that we cannot handle that. For instance, very severe hearing problems -- we do have a couple of students at the McKay (phonetic) Centre in Montreal and we do sign an agreement with the Protestant School Board of Greater Montreal.

We believe, generally, that students should, up to the end of high school, receive a general education. We do not feel that vocational education is the proper function of the high school. However, certain students insist on this and therefore we do sign agreements -- because we are unable to offer vocational education -- with other school boards who do. That represents about one per cent of our population. So a certain amount of agreement does go on.

MR. GUINDON: In your small communities, where you have a small number of students -- maybe in the area where -- you said in Shefferville there are five?

MR. JACKSON: Yes.

MR. GUINDON: Is there a Catholic school in that area too?

MR. JACKSON: Yes.

MR. GUINDON: So your board is not prepared to share -- or maybe you do share ---

MR. JACKSON: Yes.

MR. GUINDON: --- the Catholic school for your students?

MR. JACKSON: Yes. I am not quite sure whether those five are Catholic or Protestant in that area, but that is an area where in fact we have come together. There is a French-speaking Catholic school and they have chosen to allow us to educate their English-speaking Catholic students.

MR. GUINDON: But it is not in the law, it is not in the Education Act, that you must share the school?

MR. JACKSON: No.

MR. GUINDON: It is only if they invite you or if you wish to go, is that it?

MR. JACKSON: That is right. It is by agreement. Yes.

MR. GUINDON: One last question, Mr. Chairman. In Ontario, we are talking -- only talking -- about umbrella boards. Do you have a point of view on that kind of school system where you would have either a financial board or a super-board, and you have a French panel, Catholic panel, English panel?

MR. JACKSON: No. That is not within our experience so I do not really have a point of view on that.

MR. GUINDON: No. Well, we heard about unified boards yesterday. I was wondering if -- the determination of the ward may be not the same, but it seems that the area where we are talking about is the same or relatively the same.

MR. JACKSON: In a sense, Eastern Quebec is an umbrella board because I am the Director of Instructional Services for all five boards. The money tends to come into the central place and then we allocate it, I hope equitably, based on student populations. And that works pretty well. It is the same Director General for all five boards. It is the same Director of Student Services, personnel. Is that the kind of thing you mean?

MR. GUINDON: No. I meant if Quebec -- the province of Quebec would like -- would want to go on an umbrella board system, which means that whether you are Catholic, English-Protestant, French-Protestant -- all the schools would be under one umbrella board or "système chapeau."

MR. JACKSON: Yes ---

MR. GUINDON: What is your view on that?

MR. JACKSON: Well, I think that education is such an important matter and there are regional differences. I personally would like to see it decentralized. It feel that I would not voluntarily go along with a centralized system.

MR. GUINDON: Thank you.

Go ahead.

MR. LOCKHARD: If I may just add to that?

Again, if you are three per cent of the population -- I think we have a very viable system that works well within the budgetary rules that exist. If we became part of a much larger system, three per cent is -- I would not have a great deal of confidence that our interests would always be kept in mind when decisions were being made. And I am not saying that from a point of view that it would be done in any purposeful way, but I think it could be done in just the fact that the decision is usually for the majority. And I think we could be hurt in very many ways if that sort of thing happened. I do not know if Mr. Jackson would agree.

MR. GUINDON: Is there a minimum amount of students that the Ministry of Education obliges you to have before you have a small board in an area or a small regional board?

MR. JACKSON: No. No, I think -- no.

MR. GUINDON: So it is wide open if there is

MR. JACKSON: I think there are certain pressures to get together ---

MR. GUINDON: Thank you.

MR. JACKSON: --- but they have not ruled on that yet.

MR. LOCKHARD: We do have a situation where one of the Sector Boards has looked into the possibility of creating their own board -- and it is not a question of whether the numbers -- it is a question of receiving permission from the Ministry to have that board on their own. That decision, I am sure, at the Ministry level, might take into consideration the viability of the board according to the number of students, but there is nothing in the law, or nothing in anything that is written, to say what that is.

MR. JACKSON: We in fact -- if I may, Mr. Chairman -- have a board. We have a Separatist Board in our five, the Seven Islands Board, and they are a very independent group and they would like to -- or have, since our inception in '72 -- I think they really would like to separate from us. Next year they have a projected enrollment, at the high school level, of 220.

Now, you know, I think the Government has given them permission to separate if they wish. Now they have conducted a study and found that: really, financially, they are better off to stay with us, so they are staying -- with reservations.

MR. LOCKHARD: In 1972, of course, we were forced into this regional situation -- the Sector Boards -- they were not given a choice at that time and so it is not anything that has happened in the meantime. Right from the start, that board has wanted to go on their own.

I just thought I should add that. We get along very well with the administrators there but they want to be on their own.

THE CHAIRMAN: Thank you.

It was not your fault. Thank you.

Mr. Cousens.

MR. COUSENS: Thank you, Mr. Chairman.

A number of the questions that I wanted to raise have already been addressed and your answers have been quite complete. Let me ask about other minority groups. Do you have any other minority groups within your jurisdictional responsibility that you feel some responsibility to service or meet certain needs for? And if so, what kind of groups are they? I mean, they could be Italian, Portugese or other religions or Jewish or whatever.

MR. JACKSON: The Jewish population traditionally come in with us, Protestant being defined as anything other than Roman Catholic, I guess, and so the Jews are in our system and I guess they are treated like everybody else. The MRE program would not offend them because in the Protestant approach, we teach about religion. We do not teach religion, we teach about religion, and we teach respect for all groups -- and of course the Jews would be included in that.

I suppose other -- we do not really have -- well, we have Portugese and Italian and so on, but once again they are not really allowed-for per se. They are just sort of in with all the rest of us.

I suppose in a sense the Naskapi students in Shefferville and the Indian students -- the Cree students up in Chibougamau are minority rights -- are minority people. What do we do there? Well, up in Shefferville they have their own school -- a brand new school on their

new reservation. I hope that Mr. Mulroney keeps the airport open so we can send food to them and teachers. We do staff their schools. Slowly they are beginning to educate the Native population to be their own teachers.

They are the most recent Indian band out of the bush. They have only been out of the bush about 40 years so most of the parents are illiterate. We do teach -- we keep the Naskapi language in grades one, two and three and then we try to also then introduce English and finally French -- I guess there are no Ministry officials here. French is a third language for them. So they wind up being trilingual for the most part.

In Chibougamau, the Indian band there is mostly from the Nastasni and that is quite a different kettle of fish there -- much more sophisticated. In fact, we have a school there and 80 per cent of the school is, I guess, Native population.

But really we do not treat them different from anybody else. They all go there. They certainly are some of our best students. So we kind of just rub along, I guess.

And the French Protestants -- maybe they are a minority group. I do not know. They are forming their own schools and they are growing phenomenally. I could give you the statistics on that if you wanted.

MR. COUSENS: I am interested in that, so you could tie it in, if you would, please.

MR. JACKSON: Where is that?

Well, let us take the Greater Quebec Board, where we have most of the French Protestants. They came to us in 1973 and they were two per cent of our population. And now in Greater Quebec they are 43 per cent of our population. So they have grown from 18 students, I guess, to -- how many? -- 424. That is quite an increase. Their schools are growing very well.

MR. HENDERSON: I do not understand when it would go from two per cent to 43 per cent -- does that mean they have crossed over from the Separate system or they have changed religions or what? What does it mean?

MR. JACKSON: Yes.

MR. HENDERSON: I see.

MR. JACKSON: They have really come out of the Roman Catholic system. They have become sort of

evangelical-type Protestants.

MR. HENDERSON: But they were always Protestants? They did not ---

MR. JACKSON: No, no. I think that these are sort of disenchanting Roman Catholics or even unchurched Roman Catholics. There have been quite a strong anti-Church feeling in this province for some considerable time and some parents never brought their children up in the Church at all. And now they are looking for other ways apart from the Roman Catholic Church and they are finding a home in what one might term a fundamentalist Protestant-type approach.

MR. HENDERSON: A new Reformation. -

MR. JACKSON: Yes, in a sense.

MR. COUSENS: I have two other quick questions, Mr. Chairman, if I could. It has to do with the control that your board would be under by the Ministry of Education to follow guidelines that the Ministry has for program which is very strictly followed, I understand, within the province. So I have two questions on that. One is: to what extent are you inspected by the Ministry to see that you are following those guidelines? And to what extent do you have different programs or add to the programs from what other boards would be having?

MR. JACKSON: A good question. Jerry Brown is following us and you should ask him that too. He is representing the Ministry.

It is my feeling that we enjoy, despite government regulations, quite a lot of freedom. Yes, there is a new "Régime pédagogique" -- an academic diet that they are -- well, it is law. We are slowly beginning to introduce this. But, you know, for us it is not really much of a departure.

The great thing, I suppose, is the approach that is different. The approach involves students in a much more positive way and of course we are for that. It tends to deal with such simple things as teachers talking too much on a classroom -- but rather than doing that, involving the students more. And of course, pedagogically we are for that.

Some of the new programs are really very, very good. Some have not yet been settled. For instance, we inherit mathematics and science at the senior level from the old Protestant system, where our

students really were accepted to any university in Canada. We have not changed that too much, really, in terms of content because they have not really come up with anything we would want to replace it with.

So yes, we co-operate with the new initiatives of the Department of Education, but we do -- we are allowed a fair degree of interpretation and independence in that regard.

MR. COUSENS: Are you inspected heavily?

MR. JACKSON: No. We inspect our own schools quite heavily -- the Director General and Dale and myself. There are just five of us at the central office, one of whom is Adult Education.

I should mention that our Adult Education Department, in terms of students, is bigger than our regular system now, and that is all over our region. It is a growing thing and it is a very dynamic thing.

But yes, we get into our schools regularly. We spend out lives on the road. We get into classrooms. We inspect teachers. We are bringing in some of the Madelene Hunter model from the United States -- I do not know whether you have heard of this, it is a much more positive form of teacher supervision -- and we are quite excited about that. We call it the Collegial Support System whereby, you know, we support each other -- teachers getting into the classrooms of other teachers. We release teachers, give them time off or provide funds to provide substitutes so they can get together, observe each other and help each other. And we try to do that in a positive way because most of our teachers are tenured anyway and so we take the approach that we try and improve where we are.

So yes, we are heavily involved in that sense. The Ministry really has not inspected us for a very long time. They used to, before we regionalized. I remember when I was a young teacher, we had inspectors from the Ministry all the time. That sort of thing has gone by the board.

MR. COUSENS: Thank you very much.

THE CHAIRMAN: Mr. McKessock.

MR. MCKESSOCK: Thank you, Mr. Chairman.

You mentioned the Adult Education, just a minute ago, was bigger than your regular system. Is that the same throughout Quebec or just in your area?

MR. JACKSON: I am afraid I am ignorant about that. I think generally Adult Education is growing. But we -- perhaps in this area, in the Quebec City area particularly -- are rather privileged by being where we are. Our school board is able to provide quite extensive services to teach French-speaking people how to speak English and vice versa. So we have a lot of language programs; that is our -- and we have a very big summer program -- French Immersion for Adults, and people come from all over Canada to do that. So really we are a little bit privileged in this area, being where we are.

MR. McKESSOCK: Just a clarification. I think it was Mr. Lockhard was answering Mr. Poirier about -- you were saying you could not accept a Catholic into your system because of Bill 101 -- or he could not accept a student because of Bill 101 and they were Catholic. I understood your Education Act -- you could go to any school, whether you were Catholic, Protestant or other, but then Bill 101 comes in as to your birthplace or whatever. Is that it? You can accept some Catholics into your system if they were born in the right place or something; is that right?

MR. LOCKHARD: No. We are a Protestant system, and on the applications forms, it says quite clearly, "Are you Protestant, Other, or None" and we are -- I am sorry, "Protestant ---

MR. JACKSON: "Other" or "None."

MR. LOCKHARD: --- and we can accept people who sign "Other." Now, I would be naive to believe that some of those others might not be Catholic.

MR. McKESSOCK: I see. But if they say they are Catholic, you cannot accept them?

MR. JACKSON: That is right.

MR. LOCKHARD: That is right. If they put on that they are Catholic ---

MR. JACKSON: Unless ---

MR. LOCKHARD: --- then we -- there is no --
I am sorry ---

MR. JACKSON: --- unless by agreement.

MR. McKESSOCK: Oh, unless by agreement.

MR. LOCKHARD: Unless by agreement.

MR. JACKSON: The French Catholic School Board under whom they come officially -- if that French Catholic School Board agrees, then we can sign an agreement and we take care of their English Catholics.

MR. McKESSOCK: So this situation we were talking about earlier then was when a student wanted to attend but there was no agreement. Would that be it?

MR. JACKSON: That probably is true in Quebec City, yes.

MR. McKESSOCK: You talked about the school where you had five students and another one, eight students. So that is a one-room school that has what -- eight grades?

MR. JACKSON: Well, the one in Shefferville, for instance, is grades one to six in one room, and the one in Portneuf is also grades one to six elementary. Now, in Portneuf, of course, the students in the high school -- we can then bus them to Quebec City for high school. In Shefferville, I guess we will face very soon the situation -- I guess we have two choices. We can either let the students coming from that small school go to the Native school, the Naskapi school, which is 15 miles down the road -- providing we work that out with the Band Council -- or we can bring them to any one of our schools in our Board -- any high school -- and pay their room and board and travel and that sort of thing. so we would move them.

An excellent small school we have is in Metis Beach, downriver near Rimouski. We have got 40 kids in that school, 20 at the elementary, 20 at the high school. It is a two-room school. They have grades one, two, three, four, five in one room; six, seven, eight, nine, ten, eleven in the other room. And I just attended their graduation. We had a large class of two students graduating this year, both of whom are going on. Last year we had a girl graduate from there and she got into the first year Medicine from -- in the University of Mexico. So even though you have got five or six grades in one room, these students are doing quite well.

MR. McKESSOCK: How many teachers would be in that 40-room -- 40 student ---

MR. JACKSON: Okay. There are three main teachers, I guess -- eh, Dale? Tony and his wife and -- 2.5 at the high school and about two -- two in the elementary, I guess, made up of bits, though. We are hesitating because we employ sort of point four of a

French teacher -- bring in someone else to do that.

MR. McKESSOCK: So they share the services of other schools?

MR. JACKSON: No.

MR. LOCKHARD: No.

MR. McKESSOCK: What do you mean by bring in point four of a teacher?

MR. JACKSON: Well, for instance, Music is a good example. We feel that we should have a little culture in that school and there just happens to be a lady who is a graduate of the University of Toronto Conservatory of Music, so we pay her point three of a salary to come in and give our students Music.

MR. McKESSOCK: So she is part time?

MR. JACKSON: Part time.

MR. LOCKHARD: That is why -- when he said we were hesitating -- because you have to add up all the little bits to get the total number of teachers that you have allocated to that school, but there might be only three full-time bodies at the school.

MR. McKESSOCK: How close is your next English-speaking school from these small schools? How many miles away?

MR. JACKSON: Well, we have got little pockets of schools all around the province so ---

MR. McKESSOCK: I guess why I asked that question -- I wondered why there would be a school of five. Now, if it is 50 miles away from the next school ---

MR. JACKSON: Oh, no. Shefferville is 400 miles north of Sept-Iles ---

MR. LOCKHARD: No roads.

MR. JACKSON: So no roads. They are -- you know -- they are isolated. This is why we keep them here.

MR. LOCKHARD: And basically those students at that school are the children of the teachers who are teaching at the school on the reserve for the -- not completely -- I guess three, four of the students?

MR. JACKSON: And of course, Iron Ore do maintain a skeleton crew in Shefferville so there are those children as well.

MR. McKESSOCK: One last question. You mentioned the Government gives you 94 per cent assistance and you tax six per cent. Is that the same for the Catholic system?

MR. JACKSON: Yes.

MR. McKESSOCK: Okay. Thank you, Mr. Chairman.

THE CHAIRMAN: Mr. Henderson. I should say Dr. Henderson. Excuse me.

MR. HENDERSON: I just want to clarify, make sure I understand a few things, I think, that have been covered or at least touched on.

A few moments ago, if I understand this correctly -- that is what I would like you to confirm or else correct if I do not -- a Catholic pupil, where there is a wish that that pupil should attend the Protestant school, that can only occur by agreement with the respective separate Catholic School Board, is that right?

MR. JACKSON: Yes, essentially that is right, although ---

MR. HENDERSON: Am I using the right term? Is it called the Protestant School Board and the Catholic or Separate School Board?

MR. JACKSON: No, no. There are two kinds of school board, Catholic and Protestant ---

MR. HENDERSON: Yes.

MR. JACKSON: --- but, as you said, certain students have the right to sign "Protestant," "Other" or "None" and sometimes Catholic parents, for purposes of education, choose to sign that way and we do not look into it -- we do not investigate it too much. We accept their signature and therefore accept the child.

MR. HENDERSON: So they would sign as "Other" or they would sign as "Catholic"?

MR. JACKSON: No, they would sign as "Other." The only way they could get into our school signing "Catholic", is by agreement.

MR. HENDERSON: Okay. On that count, is the agreement easy to come by? Is it matter of fact? Under what circumstances is the agreement given if they want to go that route?

MR. JACKSON: Well, Thetford Mines is a good case and Jonquière is another case. In Thetford Mines, the community -- there is a good ecumenical feeling there and they saw that they could get more for their children if they came together. And so we have signed an agreement there and we have had an agreement there for ten years. The principal of our Protestant school down there is a Roman Catholic Merist (phonetic) Sister, and it is going very, very well.

Up in Jonquière, however, we have, again, the two groups, Catholic and Protestant, and there are very strong opinions on both sides. At the moment, we have not made any progress at all in terms of getting together. The other board simply want to remain separate. The English-speaking Roman Catholics choose to remain by themselves under a French Roman Catholic board. They are not represented there, but they feel that their interests are being looked after and they choose not to come in with us.

MR. HENDERSON: That would be on the basis of numbers of pupils and whether there is a sense of wanting to cut down on the numbers or something, or it is on the basis of the sentiments along religious lines, or what? On what basis does that kind of pattern evolve, if anything can be said about it?

MR. JACKSON: It gets complicated, to be frank. All those things.

MR. HENDERSON: All right. Fair enough.

I still have difficulty with the notion that there is a freedom of choice, I guess. The constitutionality of that business has all been tested out and so on. I mean, the question that keeps coming to my mind is, well, does the parent not have the right to choose, and your answer would be, no. I am just testing out the boundaries of that. Has it been tested out in court do you know?

MR. JACKSON: I believe it has, rather thoroughly, and yes, if -- you know, if you fall into one camp or the other, for education purposes, Protestant or Catholic.

What I think really is discriminatory is 101. Obviously we are surviving Bill 101 very well, but to me

I cannot understand why it is so popular with the French-speaking population, because quite a number of them come to us and want to be educated in our schools in English and we simply cannot accept them, and they are very annoyed. But the majority seem very happy not to be able to come and not to have this freedom of choice. For instance, my children -- I have sent my children to French school and now I have transferred them to our English school so they really are completely bilingual and they have the benefit of both. But our French-speaking brother does not have that privilege, and I think that is terrible. But 101 is a popular Bill.

MR. HENDERSON: A Catholic pupil who wants to go to the Protestant school is required either to have the agreement we were talking about before, or else claim themselves to be "Other" and whether they are French or English does not influence it at all. Is that correct?

MR. JACKSON: Whether they are French or English -- well ---

MR. HENDERSON: I mean, theoretically.

MR. JACKSON: --- if they are French-speaking, then they would probably come to one of our French schools because they would not qualify for English-language instruction under Bill 101. It is difficult, is it not, with Protestant, Catholic, English, French and a mixture of all those.

MR. LOCKHARD: If I could just -- in our French Protestant schools, the students that are in there could not come over into our English schools. And yet they are governed by the same board.

MR. HENDERSON: M'hm.

MR. JACKSON: And yet I could send my son, who is English, to one of our French schools, if I chose, but I could not do it the other way.

MR. LOCKHARD: If I could also just further confuse you, my children went to the French Catholic system and -- I am just saying one of them -- in grade -- transferred over to the English Protestant system in grade six and now has gone on to the high school. Again, it is very confusing.

MR. HENDERSON: If someone were to pose the question, is the division on the basis of religion or language, the answer at the moment would have to be, well it is sort of a mixture?

MR. JACKSON: That is right.

MR. LOCKHARD: It is both.

MR. JACKSON: It is really both.

MR. HENDERSON: But that if the -- if freedom could somehow be enhanced a little bit -- it if could be made a little more flexible, it would likely tend to evolve itself along linguistic lines rather than religious lines?

MR. JACKSON: Probably.

MR. HENDERSON: Okay. Thank you.

THE CHAIRMAN: That adds a new dimension to our understanding of just what the mix is here, I know, because we have been asking that of almost everybody and that is the clearest answer, that it is muddled.

MR. JACKSON: Could I just add again, we are talking in terms of our own children, and I did the same as Dale. I as a -- well, I was going to say, I am a Protestant. Actually, I am an Anglican. So that is kind of in between, is it not.

THE CHAIRMAN: You are not muddying the water again, are you?

MR. JACKSON: I sent my son ---

THE CHAIRMAN: You are "Other."

MR. JACKSON: Oh. I sent my son to a French Catholic school because it happened to be around the corner. I want him to be bilingual and so on. So, you know, our Protestant Board paid a school fee to the Catholic Board to have him educated. Now I have transferred him back to our thing. So here we are, you see, with a Protestant kid -- Protestant Board paying a fee to a Catholic Board to educate him in French.

MR. HENNESSY: Just one question, based on that statement. Did he have to take religious instruction?

MR. JACKSON: I suppose I could have said, "No, I want him exempted." Then the Roman Catholics have a course called Moral Education for the exempted students. So yes, he would have to take either Catholic religious instruction or the Moral. In fact, I did not. I feel that ---

MR. HENNESSY: But you are not forced to take the Catholic ---

MR. JACKSON: No, no, I would not have been, but I chose to let him.

THE CHAIRMAN: Dr. Henderson had a supplement just before we go to Mr. Pouliot.

MR. HENDERSON: I want to ask you this question. It is going to sound like a frivolous question but it really is not, I think, because it touches on this whole question of freedom.

I was raised Protestant in the United Church in Ontario and my wife is Catholic so I became a Catholic, but I have never felt that I renounced Protestantism particularly and I have never felt there to be any conflict between the two. Now, what -- in fact, I have said that the Catholic church that we go to now is more like the Protestant church I grew up in and the Protestant church is, but aside from that, what would happen to me if I lived in Quebec? Would I be allowed to -- what would happen to me and -- if the answer is that I would have a choice, why do not more people do that? What would stop them?

MR. JACKSON: I think the answer is that children follow taxes, so depending where you chose to pay your taxes, either the Protestant panel or the Catholic panel, depends where your children -- where you could declare yourself Protestant for purposes of education. Or, if you like the Catholic school down the road, you could declare your self Catholic, I suppose.

MR. HENDERSON: Well, do Quebecers have freedom in that? I mean, can a French Catholic Quebecer decide that for taxation purposes he is going to be Protestant and earmark his taxes that way?

MR. JACKSON: Yes, but then he would have to send his children to Protestant schools.

MR. HENDERSON: M'hm. But I mean, if that is his objective, that would be a way of doing it?

MR. JACKSON: Yes, but it is French -- it would be a French Protestant school, though. You see, you, as English-speaking, coming to this province under the Canada clause would have a choice ---

MR. HENDERSON: M'hm.

MR. JACKSON: --- but a French-speaking

person in this person in this province has no choice, which I think is discriminatory, but anyway it seems popular.

THE CHAIRMAN: Thank you. Now Mr. Pouliot, just anxious to jump in.

MR. POULIOT: No, not quite. Patience being a virtue, we in the New Democratic Party, the one with a social conscience, readily realize -- not being an endangered species -- Mr. Chairman, it is early -- I certainly do not want to spoil the compliment of the visit. We are not going to dwell -- it is not my intention, certainly to go into what constitutes a democracy although the point is extremely well taken from our purist friend who has made a declaration that he indeed -- he loves his wife to a very high degree -- is willing to accommodate and compromise.

So I am not going to get into assimilation, or the way democracy should work, or integration. Suffice to say that I certainly relate to the part of the province that I represents in the Legislative Assembly of Ontario. In my mind, it was certainly -- I can relate to five boards spread over a territory of 160,000 square miles. My colleague would be aware that the riding that I represent is 114,000 square miles. We too have less than two per cent of ---

THE CHAIRMAN: This is north of Superior?

MR. POULIOT: They have made the case -- not as many schools, though -- less than two per cent Cree, but in our case about 20 per cent Ojibway. And I must say that it is with a bit of envy that I make those observations because for the riding -- or the territory, I should say -- that you cover, you look certainly a lot fresher and, I am sure, healthier than I do. But there again it is the environment in which we have to evaluate as well.

I understand from your comments that you are given a lot of latitude by virtue and reason of -- let us say, the special case, because you are spread out all over the map. What are the main areas of concern, the pitfalls and the shortcomings? And I am talking about things on a daily basis as opposed to the -- in terms of application, because we also in small but more so in remote communities as we envisage, as we examine Bill 75, and then as we have to move from the legislative process to the application process -- are very concerned. And I think the system does parallel -- your comments will parallel our intent, our philosophy, the style, the mechanism, the approach that we will have to deal with

upon passage of Bill 75.

MR. JACKSON: Yes. Pitfalls -- Dale, you might think of this.

The problems we face, of course, are the professional developments of teachers when they live in such remote areas. It is sometimes difficult to service them as much as we would like. I see my friend, Jerry Brown, is over there. He is the Director of the Service éducatif aux anglophones. His service is a government-operated service and they have been most helpful in developing our teachers professionally. But we would like to do more of that.

Also, you have to look for the right kind of teacher to go to these remote areas. It is not everybody's cup of tea. We also have to employ the kind of teacher who is a generalist and not a specialist. In other words, a well-educated generalist -- that is the name of the game for us. Not all universities in the province are training teachers well enough. It is a very weak area. We tend to go to the places who do educate teachers in a general way and prepare them to teach in small schools with multi-grade classes and so on.

So I think one of our great problems is finding the right kind of person with the right kind of training to go and inhabit these communities and become part of them, because the school, in all our communities, is an essential part of the community. And once you destroy the school -- and I think studies have been conducted in the eastern townships and elsewhere -- once the school goes, then the community is severely weakened.

MR. POULIOT: Thank you.

Thank you, Mr. Chairman.

THE CHAIRMAN: Mr. Jim Pollock.

MR. POLLOCK: Just if I can -- you mentioned this one particular school where only two students graduated. Has there been any follow-up on those students -- like -- to go from a classroom where there is only two students into, say, Toronto University or Queen's, where there are tens of thousands, you might say, of students -- how do they kind of cope with that kind of situation?

MR. JACKSON: Yes, I think that is a very fair question. These two students actually were part of a class -- one classroom where there were 18 other students, but they just happened to graduate this year.

In fact, some of the graduates from past years turned up to that graduation ceremony. Well, the whole village turns up to the graduation ceremony. Some of these graduates in fact spoke. One of them has just graduated from Dalhousie in Halifax and another graduated from Ottawa University.

It is a bit of a shock to them to go there and they realize that there are adjustments to be made, but obviously they are making those adjustments. Really, we have enjoyed, actually, an amazing amount of success. They have adjusted very well. But it was quite obvious from the way that they reacted to their parents and the way they spoke that they retained very, very close ties with home and that they had gone through great periods of loneliness, that it was difficult for them but despite that they seemed to succeed.

MR. POLLOCK: In other words, you never got a lot of negative feedback over the fact that they were in a small student -- or in a small school and then went into a large ---

MR. JACKSON: Quite the reverse, actually. I have -- the more I think about this, the more I feel strongly that in this world, as Toffler says, "The great thing we have to face is change." It seems to me that if you can provide our students, even in small schools, with a good stable beginning, then they are much better equipped, emotionally and psychologically, to cope with change afterwards. I would think that that is a fairly clear message that we are getting from our graduates in our small schools.

MR. POLLOCK: Thank you. That is all.

THE CHAIRMAN: Three members have asked for one very short, quick, question. It has to be short.

Mr. Cousens.

MR COUSENS: I am fine.

THE CHAIRMAN: You are fine. Mr. Guindon.

MR. GUINDON: Thank you, Mr. Chairman.

My curiosity is in your multiple-choice answer question that you ask the parents, if they are Catholics or Protestants or none of the above or whatever. Do you do the same for your teachers? Or is there a board where the Catholic Board or Protestant Board that discriminates that way?

MR. JACKSON: Yes -- we -- well, on our application form we do ask religion and sometimes people do not fill it in. There is one clear thing I should say about that though. Where we sign agreements to educate English-speaking Roman Catholics, part of that agreement is that we will employ a practicing Catholic teacher who is qualified to teach them CRI -- Catholic Religious Instruction. And where we have agreements also, we try to maintain in the school a balance in staff vis-à-vis the students. For instance, if there are 80 per cent Catholics, then 80 per cent of our staff really should be Catholic or we should move in that direction. So we cannot have a Protestant teaching Catholic Religious Instruction. However, we can have a Catholic teaching MRE or Protestant Religious Instruction. In fact, often they know more about it. And we do not object to that. But there is that limiting condition. But apart from that, no, we in our system do not really discriminate. I cannot speak for the Catholic systems.

MR. LOCKHARD: Could I just add ---

MR. JACKSON: Yes, please do.

MR. LOCKHARD: We are also tied into -- as you are probably aware, there is quite a number of surplus teachers in this province and we have a very elaborate system of reintegrating these teachers into regular teaching posts. Now, initially we would go to a pool of surplus teachers in the province comprised primarily of the Protestant teachers. But if we are unable to find somebody from that pool for any reason, it automatically goes to the Catholic pool. And in fact, we have employed some people who were on surplus with the Catholic Boards and they are now working in our system.

MR. JACKSON: I must -- might add that our Director-General is also a Catholic -- Jesuit-trained, Protestant Board. A shocking state of affairs. That is the way we live.

MR. GUINDON: What about, then, on the language issue? A student coming out of Teachers College? French Protestant. Does he have both school systems open to him as a choice to go and work?

MR. JACKSON: If he is bilingual. You know, we will not employ an English -- unless he speaks English very well. But yes ---

MR. GUINDON: It works in both systems?

MR. JACKSON: I would think so, yes.

MR. GUINDON: The opportunities are there?

MR. JACKSON: Yes, I think so.

MR. GUINDON: Thank you.

MR. LOCKHARD: Maybe I misunderstood, but we -- for our French Protestant schools we have employed unilingual French-speaking teachers in all subject areas, because they would be teaching in the French Protestant schools.

MR. GUIDON: The question I was really trying to get an answer to -- in a yes or no if you can -- I do not want to put you in a spot where you do not want to answer. If I am a French, non-Catholic, new teacher just out of Teachers College, are both education systems open for me?

MR. JACKSON: French Protestant?

MR. GUINDON: Yes.

MR. JACKSON: Would the Catholics employ you?

MR. GUINDON: Or would there be any discrimination against me?

MR. JACKSON: Well, there would not in our system. In fact, we actually go look for them for our French Protestant schools. Of course, the Catholics do not have French Protestant schools so they probably would not employ them. There would not be a job for them really.

MR. GUINDON: I know. but if he is a geography teacher, will they hire him?

MR. JACKSON: If he is a French Protestant and a Geography teacher, yes, they would. Sure.

MR. LOCKHARD: If I could just -- you know, if you have a choice of five Geography teachers and you are hiring them for the Catholic system, one is Protestant and four are Catholic -- the chances are, since you have a choice, since you have a right. For example, in that surplus pool, there could be maybe ten names come out. I would think that they would probably go to a Catholic teacher for the Catholic system, which I think is reasonable. I am not -- again -- but that would be an individual decision on the base of each Board.

MR. POULIOT: Not based on a selective process -- or predetermined.

THE CHAIRMAN: Well, thank you very much.

It has been a very exhaustive questioning of you gentlemen. I hope you did not feel as though you were in the Star Chamber or something like that.

MR. JACKSON: Well, we have a crazy system. I hope we have not confused you totally, but it works.

THE CHAIRMAN: Well, that is what happens in Canada in some other parliamentary areas, is it not? The system seems crazy but it works.

We appreciate your taking the time to come and to give us the thorough answers you have and we hope that your system will continue to serve the needs of the people that you are trying to serve.

MR. JACKSON: Thank you very much.

MR. LOCKHARD: Thank you.

THE CHAIRMAN: Just before we go to our next group, Mr. Cousens has commented on it being a bit cool. Would anybody else feel a little cool in the room?

---Upon recessing at 11:22 a.m.

---Upon resuming at 11:26 a.m.

THE CHAIRMAN: Order. Order, please.

Speaking of getting back to basics -- back to the real Canadians -- yes, please, Mr. Brown and Mr. Fouthier and Mr. Blanchet, make yourselves comfortable.

All right gentlemen, you can talk about that on the way home -- whatever it is.

We welcome you, Mr. Brown and Mr. Fouthier and Mr. Blanchet. Have I got you in the right order? Blanchet, Fouthier and Jerry Brown?

We have here members from all three parties from the Ontario Legislature, hoping that you will be able to assist us in our task of making recommendations to the government on the governance of French-language schools in Ontario.

We offer you the opportunity to make some opening remarks if you would like to, and then we would like to question you.

MR. BROWN: I guess ideally our concern, at this junction here this morning, is to more or less be in a position to respond to questions that are specific in nature. We do not necessarily have any presentation, as such, to make to you. I think probably we would be much more efficient from that angle.

THE CHAIRMAN: Thank you.

I already have one person who asked to make a question.

Mr. Pollock.

MR. POLLOCK: In Quebec, do you have problems at all with cults that do not particularly want to send their children to any particular school? Is that a concern? Like, there are the Moonies in our area and also the IAM people -- which is the Institute of Applied Medical Physics.

MR. BROWN: I am not aware of any concentration in one form or another of a cult. There may be a small isolation of two or three people in various areas -- either because of geographic reasons they remain a cult. But as such, I am not aware of any that are cults as you define the Moonies, et cetera. there are heavy concentrations of Protestant in education, but they generally concentrate themselves

under the Protestant system.

MR. POLLOCK: M'hm. But no problems. And it is mandatory that they go to school up to 16, here in Quebec?

MR. BROWN: That is correct.

MR. POLLOCK: Okay. I have nothing more, Mr. Chairman.

THE CHAIRMAN: Mr. McKessock.

MR. McKESSOCK: I was told yesterday I had to wait till today to ask you this question. I was wondering how much of your budget in the government is spent on education. How many dollars?

MR. FOUTHIER: How many dollars?

MR. McKESSOCK: Right.

MR. FOUTHIER: Well, for education, primary and secondary education, public and private, it is about \$4.5 billion.

MR. McKESSOCK: Four point five billion? and there are six million people in Quebec, is that correct? The population ---

MR. FOUTHIER: Yes. About one million people in primary and secondary schools.

MR. McKESSOCK: And you provide 94 per cent of the education dollars to the students?

MR. FOUTHIER: Well, it is 96 -- 95 per cent.

MR. McKESSOCK: Ninety-five per cent?

MR. FOUTHIER: Yes.

MR. McKESSOCK: And the rest is made up from the tax dollars?

MR. FOUTHIER: Right. Municipal taxation.

MR. McKESSOCK: Local tax dollars?

MR. FOUTHIER: That is right.

MR. McKESSOCK: Okay. Thank you.

THE CHAIRMAN: Just to clarify, you said one

million students in the primary and secondary?

MR. FOUTHER: Yes.

THE CHAIRMAN: Yes. That is all branches.

MR. BROWN: Our system is divided. The Ministry of Education is responsible for the primary and secondary sectors. We have also a sector that looks after the collegial and university. What Mr. Fother is referring to is the primary and secondary education.

MR. MCKESSOCK: Catholic and Protestant?

MR. BROWN: Catholic and Protestant, that is right.

THE CHAIRMAN: Was that all, Bob?

Don Cousens.

MR. COUSENS: To what extent do private schools play a role in the province of Quebec?

MR. FOUTHER: Well, I just want maybe to put the answer that way: private schools are subsidized first -- it is a difference from Ontario. If I remember well, there is no public funds ---

MR. COUSENS: That is right.

MR. FOUTHER: --- allowed.

MR. COUSENS: Zero dollars.

MR. FOUTHER: Okay. And we have got -- there are two permits for private schools. One is what we call "déclaration d'intérêt public" which is financed at 80 per cent of the public average cost. And another one for French "subvention" -- "reconnu pour fins de subvention" schools are financed at 60 per cent of the average public costs. These are the two ways, and to operate, those schools must have this permit from the Ministry of Education.

MR. COUSENS: Well, does that become a way in which certain minority groups can be served? Because, you know, what we are really looking at through Bill-75 is governance and to meet the needs of Francophones in certain areas. But do any minority groups use the private school as an approach to solving their problem?

MR. FOUTHER: Now, it started maybe five or six years ago, this kind of approach, for either

religious or ethnic groups, to ask the Ministry to provide funds for their schools. The problem now we encounter is that maybe there are not enough funds to provide schools for every group asking for it, but it is a way to help those groups at least to attain education -- their goals that maybe they set up for their community in education.

The Ministry is also providing help with Greek schools in Montreal, what we call associated schools, where the government financed those schools through the school boards, but they are private schools. It is another system that might apply for ethnic groups. But it is not developed as a system yet.

MR. COUSENS: Okay.

If I can -- I know that Mr. Brown's position -- such an all view within the Ministry -- would have some kind of way of offering a perspective on our Bill-75, which I would hope per chance maybe you have had a chance to look at it, and realizing that Ontario is very different, historically and, you know, as we have evolved into our educational system. This approach that we are using for governance, how would it be perceived as being workable? Is there a chance that kind of approach to minority English groups in Quebec could be effective in responding to their needs or would it be flawed in certain ways? And I realize it is a very hypothetical question because it is different.

MR. BROWN: Well, in my case it is certainly hypothetical because I have not seen your Bill. So it would be difficult for me to comment in one form or another unless you want to give me a perspective of what you think your Bill is attempting to do and then I could respond.

MR. FOUTHIER: It is the same thing for all of us.

MR. BROWN: I think it is different enough that we have gone through the agony of trying to -- we can draw certain parallels with the situation in Quebec and I think that you are handling it differently. So we are looking at certain aspects. So I will not burden you with that.

I guess the final question I have -- and I was concerned with some of the things that came out of the previous delegation and also from yesterday's -- is that there seems to be an awful lot of rules in Quebec on how things are supposed to be done and yet I do not really see a follow through to make sure that they are

done from the ministry.

MR. BROWN: I think your assessment is, in a sense, probably correct. We have had in the last couple of years a tremendous amount of regulations. I think if we have an objective in the next couple of years it would be to look at those regulations and deregulate it as much as possible.

We try to define the roles of the ministry and the school boards as clearly as possible, but in the process of the "Regime pedagogique", which you probably have heard the term used, it necessitated at a certain point a centralized force in the operation which resulted in a lot of regulations. In the implementation of the new "Regime Pedagogique" and all the articles that flowed from the "Regime pedagogique" now that we feel that the "Regime pedagogique" is more or less on its own, in full sail, if I could use that analogy, I think more and more you will see a reducing of the number of regulations and leaving more and more responsibilities to the school boards, more and more autonomy to the school boards.

MR. COUSENS: There is a further comment on that. I guess to me this is -- Mr. Chairman, one of the things that can happen as we start legislating things and adding things, if there can be ways in which we can get the spirit from the grass roots up and have a sense of responsibility within the boards, within the jurisdictions, there have to be options for people to want to obey and to want to fulfill it. So there is obviously a new spirit coming through within the government.

MR. BROWN: That is right.

MR. COUSENS: Thank you very much.

THE CHAIRMAN: Thank you.

Mr. Pouliot: Merci, monsieur le président.
Good morning.

You have stated that 4.5 billion -- and I take it this was the total -- is spent on primary and secondary education in the Province of Quebec. Can you inform us how much does it mean per student and how does it compare to other provincial jurisdictions, or other jurisdictions in Canada?

MR. FOUTHIER: Well, I do not have here the exact figures, but if I remember well I think it is about 8% more than what is found in other provinces in Canada.

I think that there is still a difference with Ontario about maybe, I guess it is \$300. We spend more in Quebec than in Ontario on a per capita basis for primary and secondary education.

But I could provide the members with the exact figures.

MR. McKESSOCK: A point of clarification: is that funding elementary and secondary?

THE CHAIRMAN: Did you want a point of clarification?

MR. COUSENS: Oh, and I know he will be so gracious to share a bit of it with me because I will be nice to him in return.

Do you get any money from the federal government in support of English-language studies as in the Province of Ontario we get federal money to support French-language studies?

MR. BROWN: We have ententes with the federal government, as you do for minority instruction and French second language programs -- instruction of the second language. So we have pretty well the same set up. I am not sure if we have the same utilization of it as you do, but we do receive funding from the federal government, yes.

THE CHAIRMAN: Just before we lose that point, Gilles, if I may, I would like to ask too: the figures that you quoted as expenditures are you talking about provincial funds only and not those that are raised through municipal taxation?

MR. FOUTHIER: When I am talking about 4.5 million I am just talking about the provincial funds.

THE CHAIRMAN: Yes. So we have to be careful comparing that with any figures from the Ontario Ministry of Education where a much bigger proportion is raised locally. Thank you.

Gilles.

MR. POULIOT: The more it changes the more it remains the same.

To follow what my Mercantile friend has had to say -- no, no, no, Mercantile friends sitting to my left, which is quite a change indeed -- I am just seeking clarity here.

In terms of the overall spending, for the purpose of education -- and it is important to us to know how much money -- and we would like to -- if you do not have the information perhaps you could give us some indication or a ball park figure and we would very much look forward to receiving some package -- how much money is spent over all education -- "Supplementaire"?? How much money is spent per pupil -- I am sure we can work that out. And also, how does it compare to other jurisdictions, for instance, Ontario and Nova Scotia, P.E.I.

MR. FOUTHIER: Well, it is easy to provide the members with that. Maybe if someone could give me an address it could be sent right away. There is no problem with that.

THE POULIOT: Merci.

THE CHAIRMAN: Our clerk will do that. Thank you.

Gilles, you are finished?

Jean Poirier.

MR. POIRIER: Yes. The other figures that might be interesting is: for these one million students, how many would be in the Catholic boards, and how many would be in the Protestant boards, proportion-wise -- of proportion -- 75-25 per cent, 80-20?

MR. BROWN: Well, it is more like 80-20 ---

MR. POIRIER: Eighty-twenty? Okay..

MR.FOUTHIER: Eighty Catholic, twenty Protestant.

MR. POIRIER: And it is the equivalent funding for both systems, no distinction?

MR. BROWN: That is right.

MR. POIRIER: Fair enough.

Four hundred and twenty-eight school boards, if I remember well, in the province, right?

MR. BROWN: No, no, we are somewhere in the vicinity of about 260-some-odd schools ---

MR. POIRIER: Two hundred and sixty school

boards ---

MR. BROWN: --- and we are in the process right now of integrating many of our school boards, so we are probably somewhere down in the vicinity of about 220.

MR. POIRIER: Two-twenty? Fair enough.

There seems to be a shift towards linguistic boards also right now. Where is it at at the Ministry level? Is that a fait accompli? Is it on the way? Or ---

MR. BROWN: Well, we were -- you probably followed with interest our debates for our Bill-3, which -- included in that debate was the concept of linguistic school boards. As a result of the declaratory injunction that we received in June, we have not proceeded beyond that step; we have not done anything in the way of implementing linguistic school boards, however -- and we do not intend to do so until we feel there is a consensus in the community to do that ---

MR. POIRIER: Right ---

MR. BROWN: --- however, I have to say that there is, you know, a continuous interest on our part, from the Ministry of Education, to move in that direction ---

MR. POIRIER: Right ---

MR. BROWN: --- certainly for those school boards off the Island of Montreal.

MR. POIRIER: There does not seem to be a "where numbers warrant" clause in Quebec, or for the number of students, before you decide to create a school, or you allow a school board to create a school, and whatever; it is whatever the needs are, right, so you have no clause for figures one way or another?

MR. BROWN: Well, I guess budgetary rules are the ones that come into play in that element there. The school boards are funded under -- as Andre has said -- to a certain percentage and then there is taxation limit. So there is only so much funds available to the school boards to operate with, so that becomes the parameters under which they ---

MR. POIRIER: And they are the sole deciders as to how they want to use that money. If they want to have 20 schools, or 10 schools, the Ministry does not

veto ---

MR. FOUTHIER: Maybe what I could add is that the Ministry has to authorize construction for new schools and if a school board wants maybe to close a school, that is their authority. But if they want to open a school, the Minister has to give his approval.

MR. BROWN: That is right, and the same stands for any additional funds they may require for enlarging a school.

MR. POIRIER: Right. How many of these private schools, associate schools, would you have in Quebec, ballpark, 50? Forty?

MR. FOUTHIER: It depends -- I guess -- if you are talking about financed private schools in Quebec, maybe for primary and secondary education, you are talking about 50.

MR. POIRIER: About 50 schools?

MR. FOUTHIER: Mostly secondary education. For primary education there is no public funds available except for handicapped, or special needs -- or for students ---

MR. POIRIER: No funds whatsoever?

MR. FOUTHIER: No, not for regular, primary education ---

MR. POIRIER: I see. So about the only way to do it is to choose one or two -- one of the two boards available, Catholic or Protestant, right now?

MR. FOUTHIER: That is right.

MR. POIRIER: Okay. I think that is all for the moment, Mr. Chairman, thank you.

THE CHAIRMAN: Thank you.

I do not have any other speakers listed.

Luc?

MR. GUINDON: Thank you, Mr. Chairman.

My question is in regard to Bill-75 -- Bill-75 is to give education, French education, to the Francophone minority in Ontario. And as much as possible from pre-kindergarten to university -- with the years --

we are not lucky like Quebec; we do not have funded universities for Francophones yet.

But, my question is: in this Catholic board, the English population, are they satisfied with the system? And my second question on that is: do they rule their own schools? Are the English Catholic school boards in majority run by English Catholic parents?

MR. BROWN: All the school boards on the Catholic side are primarily run by the Francophone system. Our largest population, English-Catholic exists in the Montreal Catholic School Commission, on the island of Montreal; they make up a large percentage of that school board; they participate and they have a structure that is unique theirs inside of the school board, but it nevertheless is under the responsibility of a French Instructor-General. And the majority of the Commissioners of that school board are Francophone.

The remaining school boards are of lesser degree as far as population is concerned and, of course, as you go off the island of Montreal the Francophone school boards become more and more predominate and the English-Catholic population becomes less and less inside that school system. So you could draw a conclusion as a result and say that as you leave the island of Montreal it is highly probable that the English-Catholic population is less satisfied with the services and the role that they are playing in their French-Catholic school boards.

MR. GUINDON: Who settles disputes?

MR. BROWN: Hopefully the school boards.

MR. GUINDON: Well, there certainly are some -- at some times when there is school programs that are not being given in an English school which should ---

MR. BROWN: Well, I think it is important to understand that the school boards are responsible for the management of their system at their level, for their territory for a given population, so that they are the ones that are responsible for the distribution of resources, whether it be financially, material, or human. So the disputes that may arise at that level is clearly in their area.

Our preoccupation, from the point of view of the Ministry, is that there appears to be an injustice. You know, sometimes we are called upon by various groups such as parents, or school board officials, to help mediate or intervene in resolving their problems, but it

is certainly not our policy to do so. We like to leave the school boards to handle that.

MR. GUINDON: Does the English -- did you want to say something?

MR. FOUTHIER: Yes, I just want to add: outside Quebec and Montreal most of the time you have got agreement with the Protestant school board to provide English education to English Catholics where numbers are sufficient to have an English-Catholic school, or an English-Catholic structure within the Catholic school board. There are ways for the school boards to agree with the Protestant school boards to provide this education, English education, for their students.

MR. GUINDON: Okay. Well, who would make -- would it be the school board that makes the decision, for instance, for special education?

MR. BROWN: Yes.

MR. GUINDON: All right. Have there been any problems in that, the English sector needs the services of special ed, and that maybe the school board does not want to give it at this time. How do you settle a problem like that?

MR. BROWN: Maybe to respond to your question is to give you an idea of what our situation looks like as far as English Catholics across the Province of Quebec.

As I indicated, on the island of Montreal you have got a large percentage inside the MCSC -- the Montreal Catholic School Commission -- that are English Catholics inside that system, and they have a structure, all the way down from the Assistant Director-General, directors of services, consultants, and naturally a school system that falls underneath it. So they are able to work within themselves and resolve it.

The remaining school boards on the island of Montreal such as Bowden (phonetic), Cartier, Jerome, Mont Laurier, have a sector which is also handled by a management team that looks after it. Once you leave the island of Montreal, within the peripheral edge of the island of Montreal, you have a certain number of English-Catholic -- I should say Catholic school boards -- where you have a concentration of English Catholics, but not a high concentration. And depending on the relationship that has existed between the two cultures on those school boards, you get a varying degree of harmony, or disharmony, you know. And as Mr. Fouthier has

indicated, as you go further and further away from the island of Montreal, a lot of school boards have worked out ententes. French-Catholic school boards have worked out one of two ententes.

They have either said to themselves "We cannot service our English-Catholic population correctly, so we will group ourselves with another French-Catholic school board and try to provide a service for these students," or, "We will send them to the Protestant system through an entente, agreements between the two school boards."

So, your question is difficult to answer because it depends on where you are exactly in the province and to what extent the problem is, for instance, especially.

MR. HENDERSON: Are the ententes the rule or the exception?

MR. BROWN: Well, that is a good question. We hope that it is the rule, but we know that in many cases, in certain areas, the parents opt out directly themselves to go the the Protestant system and not necessarily work through an entente, you know. But the ententes are -- I would not say -- I am not sure if they are th rule or not, but I am certainly sure they are present in the process.

MR. HENDERSON: Are they a growing phenomenon?

MR. BROWN: Well there is a growing phenomenon of Catholic students inside the Protestant system off the island of Montreal; I cannot say there is an equal proportion of ententes though.

MR. GUINDON: Thank you. That is all for now.

THE CHAIRMAN: Thank you.

I have to say, not to prolong anything at this point, because we still have one or two more, that the more we get into it the more fascinating it is. I do not envy you your spiderweb of responsibility.

Mr. Poirier.

MR. POIRIER: Going back top the question of different boards, we have a special interest in that because a lot of the Francophone groups that have come forward in our public hearings in Ontario were asking for

a linguistic board with a Catholic and a public non-denominational sector inside it, with religious rights guaranteed, whatever that means.

Yesterday, when we met in Montreal, all the groups were either, like, Protestant school boards or English-people groups and they seemed to indicate that there was quite a lot of support -- many groups in education had given their support -- at least in principle -- or were willing to look into linguistic boards.

We are trying to draw a parallel as to how this would be done in Quebec, and what could be looked at for Ontario, if that was the case, if we chose to go to linguistic boards.

Do you feel that -- you said you were waiting for consensus, yet the groups yesterday the elicited many major groups who were saying they had given their agreement in principle at least, to that. Are they close? Do you feel that the Protestant or Catholic elements could be satisfied in linguistic boards from what you know so far?

MR. BROWN: Okay. I will give -- there are really two responses to that question. One is an administrative response and one is a political response.

Naturally I will give the administrative response and I will leave the political response to my colleague to the right.

But when I said that we were waiting for a consensus, I think you are correct that in the English community in -- at this time last year there clearly was a consensus, our feeling from the point of view of the Ministry, towards linguistic school boards. But there was legal problems regarding the Constitution and as a result of the decision that was rendered in June, 1985, it was clear that we, as the Ministry, could no longer proceed in that direction -- for the moment ---

MR. POIRIER: Okay.

MR. BROWN: --- and the decision ahead of us was whether to appeal the injunction, or -- you know, we have sort of marked time a bit on the process. In the meantime we went through a political election and we are now waiting to see an orientation from the present government in power to see whether or not we should for linguistic school boards, should we, you know, bring it back on the table again and operate. But I share the same opinion as you have, because as I circulate through

the Anglophone community it is clear to me too that there is a consensus towards some form of linguistic school board. Most definitely, off the island of Montreal, there seems to be a move in that direction.

MR. POIRIER: Right. Before we go to the political answer, also we seem to have heard and read that the Catholic Bishops were also moving, if not already there, for support for something like that ---

MR. BROWN: That is right ---

MR. POIRIER: --- and the second this is, I presume if some people objected to that creation they must have felt -- and correct me if I am wrong in assuming so -- that their religious rights would not be necessarily guaranteed in a linguistic board. Is that correct?

MR. BROWN: To a certain extent you are correct, and I think the preoccupation of some of the school boards in the Anglophone community was the constitutional guarantees of a school system which would be Anglophone was definitely a preoccupation on the part of ---

MR. POIRIER: Was it the Anglophone element that was worrying them, or the religious element?

MR. BROWN: I think both.

MR. POIRIER: Both, but where it was taken up in the court last year, I think it was for religious reasons, wasn't it?

MR. BROWN: That is correct; that is correct

MR. POIRIER: Okay. Fair enough.

Now we can have the political answer.

THE CHAIRMAN: Just before you speak I would like to make sure everyone understands that Mr. Fouthier is the chief of staff for the Minister of Education; is that correct?

MR. FAUTHIER: Yes.

THE CHAIRMAN: So you are something like his executive assistant, or better, not administrative -- I am confused ---

MR. FOUTHIER: No, I am on the political

side; the only job I have is what the Minister wants me to do.

THE CHAIRMAN: And it only occupies 24 hours a day.

MR. POIRIER: Would you favour us with the announcement that another poll is underway?

MR. FOUTHIER: I won't answer that.

But, what Mr. Brown said, I should say, is mostly correct, except for Montreal, because we have at least a reasonable guarantee that there is no constitutional problem outside Quebec and Montreal for linguistic school boards. And in fact there is a consensus between -- well, within the Anglophone community and the Francophone community that we must go for linguistic school boards, the confessional aspects being guaranteed by the rights to have confessional schools. And there were such provisions in Bill-3 and either a reform of the three, or a new -- or reform du droit sur l'instruction publique -- will give such guarantees, so there is no problem with that.

And one of the bishops said that he agreed with Bill-3 and the transistion from confessional to linguistic boards they agreed, because there were such guarantees about confessional schools and confessional education, either moral, or Catholic, or Protestant.

The problem with Montreal that we got -- a cross-section problem where you have regligious preoccupation with regard to the constitution is whether it is linguistic and I might be wrong, but I think it would be difficult to get the Protestant and the Catholic Anglophones within the same school board without messing with both, Article 23 of the Constitution and 93. And that is the problem that must be resolved before going with linguistic boards in Montreal.

MR POIRIER: Do you feel that you are close to resolving this? Are you optimistic?

MR. FOUTHIER: I would not say that we are either optimistic or pessimistic; the whole dossier has to be reopened. So discussion will start again is that our idea is to get people together, instead of trying to impose a solution. There is not -- how could I say? -- there is no real problem. The schools are still operatingd in Montreal and we have something that works now, and maybe it is easier to let the people evolve with their solution than trying to impose one.

That is more our approach with the problems in Montreal -- I mean we will reserve about the constitutional rights, about Article 93 -- maybe soon we will get with the linguistic boards.

MR. POIRIER: M'hm, okay, merci.

THE CHAIRMAN: Thank you.

I just want to say, before we have another comment, that I would thoroughly commend the government and the Minister for wanting to get consensus rather than imposing something from outside. Maybe he could speak to some of his Liberal colleagues in Ontario on another issue, where an imposition is in the process of being made.

Mr. Cousens?

MR. COUSENS: I apologize for our Chairman's past remarks -- a little bit out of order, but he is still a forgivable person.

I have trouble understanding the historical perspective of the Anglophone in the Province of Quebec. And yesterday, one of our members of the committee, Christine Hart, was raising questions as it pertained to section 93 of the new Constitution and we went back and we had some good dialogue about, you know, historical precedents of 1841 and how it evolved up to 1867 and since.

I think my question is larger than can be addressed in quick response, but I would not mind obtaining, if I could, either a written -- or just what are the rights of the Anglophones in the Province of Quebec? Is there a good document that one could study to ascertain that historical perspective, or is it something one would dare to even open up for good dialogue right now?

MR. FOUTHIER: I think we could provide analysis from different -- either lawyers or legal advisors and so on -- I am just trying maybe to circumscribe the content of your question just to make sure I provide the right answer.

MR. COUSENS: Well, you see, part of the problem I have -- and I know I am in a very small minority within this committee, I think -- but who knows? But I do not think that there is a precedent in Ontario for Francophone rights to the same extent that there is in Quebec for Anglophone rights.

MR. FOUTHER: Okay, maybe just to put it a way that I understand it, the right to English instruction in Quebec has never been questioned; it has always been present. It is not the same thing that happened in Ontario like, say, with regulation 17, and so on. So the only precedent we have is Bill-101 where the government wanted to restrict access to English schools to only Anglophones. And in that regard I would say that, about the English education rights -- I would not say that there is such a written right, or something like that, except for 93, that will present on confessional. But besides Bill-101 I do not think that there is any regulation about English or French education.

MR. COUSENS: Well, you know, I am just -- to me it is something that I would like to understand more of the services that are being provided, or historically provided, for Anglophones in Quebec -- and I know I am going to have to draw my own analysis out of the Ontario situation -- and please do not see me as being offensive, but I just -- I worry about -- okay, they have rights. They were worried that their rights were being removed so they ended up having to take constitutional battles to the, you know, Supreme Court. And so I realize it is an understanding that is evolving because you have not really just gotten to it.

So I guess the specifics as to how one protects the Anglophone rights in the Province of Ontario (Quebec) undoubtedly you believe that you are doing it right now, there is not more to do, but I like the consensus, but I just do not understand -- I think the Anglophones were probably better off in 1867 in the minds of some people than they are in 1986. But that has to do with where you are coming from.

So I guess, to me, no one has really done a detailed analysis of the historical perspective of the Anglophone then and now. And that is part of what I think is implicit to an understanding of governance in our own school system, because -- and I realize I am still grappling with it, without having an answer.

MR. FOUTHER: Well, I would say that first is has to do with regulation implemented by the government, let's say with Regime pedagogique there. And it was instruction publique and all this historical procedures. Most of the grievances coming from the Anglophone community as far as I -- maybe Mr. Brown could add to that -- they are coming -- with Bill-101, sure, because the government reveres something from the free choice -- that is a point. The Regime pedagogique also provided a provincial canvass for primary and secondary education which was not clearly the case. And it evolved

in a time because the Ministry from time to time precised its intention about what kind of education should be provided in schools, either English or French, and sometimes with specifications for the English system and other times for the Francophones.

But I do not want to get into the partisan, or the political susceptibility of the people, but also Francophones feel that the Minister did not do his job well, but that is another problem too. But Bill-101 will supervise the right for English education in terms of -- if I am right, it is the first time that Quebec legislation said that there is a right for English education -- than for English education -- because before that it was not questioned.

It was more on a pragmatic approach of what the courses, the funding and the regulations that must be obeyed by the school boards and in those particular areas Anglophones might have grievances, as well as Francophones, but you are right when you say that there is no specific analysis, or historical study about what these kind of situations -- maybe at the time of the constitution, or at the middle of the century and so on.

MR. COUSENS: Mr. Chairman, Mr. Brown is going to come ---

MR. BROWN: Yes, I just wanted to simply add to what Mr. Fauthier is saying, and that is that I am not aware myself, as an Anglophone, of any kind of a historical study in that sense. I am sure there is some available and I am sure, you know, by means of contact with different individuals we probably could put something together for you.

But I mean, to answer your question, I think you will never make your plane Monday morning -- but to me there seems to be three areas in education in the Province of Quebec that seems to be, you know, constantly referred to and discussed, and that is that our educational act per se, that sets down the regulations governing education in the Province of Quebec. There is no question about it, the Regime pedagogique, which is in essence the regulations that the school boards must follow for the organization of the school system at their level and Bill-101. And the areas that are being constantly contested by some of our Anglophone colleagues is the extent to which the government is interfering -- if I can use that choice of words -- in their right to govern. And particularly -- I do not remember many issues around the educational act -- it was probably before my time when it came in, but certainly in the area of the Regime pedagogique our Protestant colleagues feel

that they have had a system and it was working well, and therefore there should not be interference on the part of the government saying "This is how you organize your schools," because we have been doing a super job as it is, so do not come and tell us what to do.

And at the same time, in the area of Bill-101 where there are some Anglophones who feel that -- who feel probably opposite to what Andre is saying in a sense that they are saying that it is not providing an opportunity for English education, but probably restricting English education. So you have those two polarizations, which adds to the spiderweb that you mentioned earlier.

THE CHAIRMAN: Just before, Don, you bring in something else, we have four people who have asked to have a supplementary on what you have done already. So could we give them the opportunity?

First there is Jim Henderson.

MR. HENDERSON: Thank you, Mr. Chairman.

I just want to tie down this question of precedent for purposes of my own understanding.

I may be asking this question to one of the panelists, or I may be asking Mr. Cousens, or I may be asking Jean, but am I not correct in understanding that the precedent of French-language instruction in Ontario has been strong in areas of northern Ontario and perhaps eastern Ontario, that are quite strongly Francophone, have they not always has French as a language of instruction in their schools? Have they ever?

MR. POIRIER: Yes.

MR. HENDERSON: Recently, or what is the situation?

THE CHAIRMAN: Jean, can you answer that briefly?

MR. POIRIER: Well, Jim, for 15 years of turn of the century you had Rule 17 from the Ministry of Education that prevented the teaching of French where the teaching French was illegal in schools ---

MR. HENDERSON: For 15 years?

MR. POIRIER: Yes. And that came about in 1912. It stopped in 1927 and it was finally repealed in the early '40s, but it was illegal to teach French and

they would send inspectors around to make sure that the schools were not teaching French illegally.

MR. HENDERSON: What about before and after that period?

MR. POIRIER: Before, I guess you never had the needs addressed properly and since -- it has been the same problem since and since we are still thinking of coming forward with Bill-75, we just do not feel that obviously -- the *raison d'être* for Bill-75 is that we did not feel that the Francophones had complete control over their own particular needs for French-language schools.

There has to be a reason why Bill-75 is on the table.1

MR. HENDERSON: What happens in primary and secondary schools in Sturgeon Falls right now?

MR. POIRIER: Well, right now you must remember that Sturgeon Falls was one of a long list of school battles, including even Windsor, where they had to -- the government had to pass a special law to force the local school board to offer a high school to some two or three hundred French-language students. And the same thing with Sturgeon Falls; it was an epic battle there to get French-language schools and the list is very long, Cornwall, Penatanguishene -- it is historic.

THE CHAIRMAN: I wonder if we should confine our questions mostly to our guests here.

MR. POULIOT: It could be embarrassing; our track record is not what you would call immaculate in terms ---

THE CHAIRMAN: Yes, let's wash our laundry in Ontario.

Luc Guindon?

MR. GUINDON: Thank you, Mr. Chairman.

Does Quebec have a code of rights -- or a Human Rights Code?

MR. FOUTHIER: Yes.

MR. BROWN: Yes.

MR. GUINDON: And, does it specifically speak of the English-speaking population?

MR. FOUTHIER: Maybe Mr. Blanchet will answer that, but if I remember well, the Commissioner des Droits, that person does not refer to linguistic rights.

MR. GUINDON: Does not refer to linguistic right?

MR. BLANCHET: No, there is no provision in the Charter about language rights, but this does guarantee the equality of people before the law. And it intends to make discrimination about language, but is not not specific about French or English.

MR. GUINDON: Thank you.

THE CHAIRMAN: Gilles?

MR. POULIOT: Thank you, Mr. Chairman.

I have another request. I was not so sure I can readily understand why Mr. Cloutier (Fouthier) answered the political question. Being in the process of drafting ourselves -- and we are talking about the Legislative Assembly of Ontario having the responsibility to address and anticipate the needs as they are to be covered under Bill-75 -- it would help us -- because there is some sort of a parallel of sorts -- and it would help us, I believe immensely, if we could have -- whether it is -- not the philosophy, or the rationale, although it helps explain the substance -- but anything that you have in your statutes, directives, regulations, as they pertain to minority education in the Province of Quebec. And we could draw from, not only your experience, but from what is being done. And it would help us in certainly avoiding pitfalls, Mr. Chairman, and shortcomings that are inevitable in matters of this kind.

We certainly are committed to moving forward, achieving forward momentum, although we need help, because it is not a simplistic piece of legislation. In fact it is not an invitation -- it is plainly ambiguous at best -- and it demands a lot of study. And your past experience would help us if you could forward that to us?

Thank you.

MR. BROWN: It would probably be of help too, to send you the documentation that covers a lot of the debate that went around on Bill-3, because a lot of the issues that we had that you are talking about, were present in that debate. And I know, as an Anglophone rep inside the Ministry of Education, we had to wrestle with those situations.

You know, the question of management of their own system, the role of the English-Catholic inside of an English-Protestant -- all these issues were present in that debate. So we will probably put something together for you.

MR. COUSENS: Thank you.

We just got the headlines, but nothing more from the Toronto media.

MR. BROWN: It was with interest that I used to read the Globe & Mail.

MR. COUSENS: Yes, you are right ---

THE CHAIRMAN: Thank you.

Christine Hart?

MS HART: We were asking for some analysis -- Don was asking for some analysis of the historical perspective of English Quebecers' right to education.

It seemed to me that, in some of the challenges to Bill-101, the briefs would have canvassed that aspect. Do you know whether that is so? -- the legal briefs to the court.

MR. FOUTHIER: I would not say so, because before Bill-101 I do not think that there -- or, with regard to the language education -- it has always been a matter of confessional education in Quebec, because we first got confessional systems, Catholics and Protestants. And when came the time to decide, in the '60s, what kind of excess the government will regulate for English schools, that was the time it all started. Was it free choice? Was it either some sort of test -- that was Bill-22 -- and only those speaking -- or the mother tongue as English -- and then there was Bill-101; the criteria was the parents attending English schools in Quebec.

But before that, I would not say that there was kind of a -- of problems with regards to the language education as you have got in Ontario.

MS HART: Has there been any litigation at all surrounding the section of Bill-101 -- which I cannot recall just at the moment -- that guarantees English-language rights?

MR. FOUTHIER: Yes, we could provide you with Bill-101 and the amendments which are now before the

House here in Quebec City.

MS HART: But, has there been any litigation at all, surrounding that section?

MR. FOUTHIER: Any litigation ---

MS HART: Litigation ---

MR. FOUTHIER: --- oh yes. The Supreme Court declared Article 73 unconstitutional with regards to the Charter of Rights, what we call the "Quebec clause," and the "Canada clause."

MS HART: Would not the argument before the Supreme Court have dealt with that historical perspective?

MR. FOUTHIER: Not in the sense of what you are talking about, because before the Court usually -- it is confusing in Quebec, because people are using either the Catholic or the -- the Protestant rights -- entrenched in the Constitution to have their language rights protected. So it is kind of a subdued debate where you have the language and constitutional always interpenetrating with -- there is no such -- I might be wrong -- but there is no such debate on linguistic rights before the courts with the Constitution before the Charter of Rights, but after then we go with Article 93.

You have got cases in Ontario that are more advanced than ours of that type. But the tendency that developed in Quebec was to go before the courts with Article 93 ---

MS HART: Thank you.

MR. FOUTHIER: --- because of the confessional school boards.

THE CHAIRMAN: Don Cousens?

MR. COUSENS: Mr. Chairman, I am just getting warmed up to this subject and I am a new member of the Committee, but this question has to do with Mr. Jerry Brown's job description, the kind of responsibility you have as the Anglophone-English rep within the Ministry of Education, and whether or not there is a similar kind of person doing the kind of work you are doing for Anglophone minorities in Quebec, serving Francophone minorities in Ontario, or New Brunswick, or other provinces, because, I mean, you have a very specialized job.

Tell us about what you do and tell us if you know if there is anything comparable in other provinces.

MR. BROWN: Okay. Maybe in order to be able to tell you what I do I have to give you a bit of historical background ---

MR. COUSENS: I'd like that ---

MR. BROWN: --- to where we are at this stage of the game.

At one point we had two separate systems inside the Ministry of Education, representing the two sectors, the English and French sectors. And as things proceeded we eventually integrated all into one system which is primarily a Francophone system as such. And when, in '78, '79, we began to introduce the regulations called the Regime pedagogiques, and we required resources inside the Ministry of Education to assist the school boards in the implementation of these regulations, there was a service created which was called les service éducatif aux anglophones. It was a unit attached to an administrative region, much similar to the ones that you have in Ontario, and its task was to assist the regional bureaus in the implementation to the English community, because it was readily evident that in the regions, primarily because of human resources, and linguistic difficulties, it was very difficult to proceed in implementing -- for instance in a school board as Mr. Jackson just described to you earlier.

But, as we proceeded along in that the community also said it was increasingly important that we have people, or that we have a unit, that has a much higher profile inside the Ministry of Education, much closer to the decision-making process, in the Ministry of Education. And when the Ministry of Education reorganized itself in December, 1984, he created a direction des service éducatif aux anglophones. And if you are familiar with French terms, when you go from a service to a directionf, there is a very insignificant subtlety between the two.

So we are, in fact, a unit inside the Ministry of Education attached directly to the Deputy Minister responsible for operations of the -- le réseau -- it is a difficult word to translate into English, but I like to translate it as the "operational branch of the Ministry of Education".

Our mandate primarily, and my mandate as Director, obviously of the service, is to represent the Ministry in the English community and vice versa,

represent the English community inside the Ministry. I do that at the Deputy Minister's level because we have a -- le bureau du sous-ministre -- Deputy Minister's table and I am a regular member of that table. And under the present structure that we have now, the Minister himself has what is called "le conseil de direction," which brings together his Deputy Ministers, himself, his political branch -- and I am also a member of that table -- so we have direct input to the Minister himself, from an Anglophone point of view. And we have a direct input in the day-to-day operation of the Ministry, through the Deputy Minister's tables.

Our job is to represent -- secondly, is to identify the needs of our English community inside the Province of Quebec, advise the Ministry how to respond to those -- advise them, first of all, that this need exists -- advise them as to how they can respond to that need, and then the people who work underneath me and in the various regions, begin to work in either the collaboration, or elaboration, or conception, or adapting, of the material to go to our English community. And at the same time continue to provide the services to the regional bureau in the way of resources, et cetera.

That basically is my function as such.

MR. COUSENS: Do you know any counterparts in other provinces ---

MR. BROWN: Yes, my feeling -- well, from my understanding of your system you have a Deputy Minister -- Assistant Deputy Minister, I believe -- responsible for Franco-Ontarian education. And in my discussions with her leads me to believe that a lot of the functions that she is assuming are functions similar to mine, in that form -- what she does not have -- but correct me if I am wrong -- she does not necessarily have an administrative unit under her responsibility, but there are Francophones throughout the system and there is some sort of functional link-up between them -- I am presuming that in my conversation with her.

So I would say that she is probably my counterpart in Ontario.

MR. COUSENS: Thank you.

THE CHAIRMAN: Thank you.

Jean, did you have anything to add to this?
No? Okay.

Any other questions?

Bob?

MR. McKESSOCK: Well, I would just like to say on behalf of a new Liberal party in Ontario how good it is to come and talk to the new Liberal party in Quebec, and as the Chairman mentioned, you should give some advice to the new Liberal party in Ontario and I know that that is exactly why we are here, is to listen to your advice and information. And Mr. Poirier mentioned that the fact that this bill was in front of us, Bill-75, indicates there has been a lacking in Anglophone services over the past years and it -- or, Francophone services -- and it is good to see that the new Liberal government, I think, is doing something about it and we are certainly pleased to be here to draw information from you to help us in that task. -

THE CHAIRMAN: The preceding was a paid political announcement.

Anything else?

MR. GUINDON: Yes, Mr. Chairman ---

THE CHAIRMAN: Yes?

MR. GUINDON: Just to set the record straight, that it is mostly government by Supreme Court that brought in Bill-75 and not the good will of the Liberal party, or even the Conservative party, for that fact.

THE CHAIRMAN: Thank you. Equal representation from Gilles Pouliot.

MR. POULIOT: Being strictly non-political, and the Chairman has reminded of the need to do these things where -- to be parochial -- to do them at home, but I cannot help but to share with my friends from the party in power to say that yes, we too, share in their sentiment that we have learned a great deal and certainly the trip was very much worthwhile. And we have the assurance now from our friends in the government that things will be moving forward.

Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you.

I think that concludes our so-called questioning and comments -- questioning and so-called comments -- and we really appreciate the complete and understanding responses that we have had from you

gentlemen, and again, thank you for taking some time on a Friday when you probably have a dozen other things crying for your attention to come and enlighten us a little bit.

MR. BROWN: Well, thank you very much, and we appreciate you being able to let us all come at one time; it provides us an afternoon free.

THE CHAIRMAN: Yes, it suits us too.

Thank you.

MR. BROWN: Thank you.

--- Upon adjourning at 12:22 p.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

ANNUAL REPORT, ONTARIO INSTITUTE FOR STUDIES IN EDUCATION, 1984-85

THURSDAY, MAY 29, 1986



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G. R. (Dufferin-Simcoe PC)

VICE-CHAIRMAN: Dean, G. H. (Wentworth PC)

Bryden, M. H. (Beaches-Woodbine NDP)

Cousens, W. D. (York Centre PC)

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McKessock, R. (Grey L)

Newman, B. (Windsor-Walkerville L)

Pollock, J. (Hastings-Peterborough PC)

Pouliot, G. (Lake Nipigon NDP)

Substitutions:

Allen, R. (Hamilton West NDP) for Mr. Pouliot

Hennessy, M. (Fort William PC) for Mr. Pollock

Miller, G. I. (Haldimand-Norfolk L) for Ms. Hart

Clerk: Deller, D.

Staff:

Gardner, Dr. R. J. L., Assistant Chief, Legislative Research Service

Witness:

From the Ministry of Treasury and Economics:

Nixon, Hon. R. F., Treasurer of Ontario and Minister of Economics and
Minister of Revenue (Brant-Oxford-Norfolk L)

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, May 29, 1986

The committee met at 10 a.m. in room 228.

ANNUAL REPORT, ONTARIO INSTITUTE FOR STUDIES IN EDUCATION
(continued)

Mr. Chairman: We will call the meeting to order right on time. The Treasurer (Mr. Nixon) has indicated he has no further comment to make at this time, so we can continue with the committee's questions.

Hon. Mr. Nixon: Since I intend to indicate this in response to questions, perhaps it will be helpful for me to indicate that it is my understanding that discussions between the University of Toronto and the Ontario Institute for Studies in Education are going to resume. The president of the university and the chairman of the OISE board are undertaking some additional discussions with a view to establishing the appropriate relationship between the two organizations.

You will be aware that my original budgetary item regarding OISE called for the funding of OISE to go through the University of Toronto, beginning in this fiscal year. I wrote a letter to the chairman of the board of OISE in January, I believe--I am not sure of the date--indicating that as far as I was concerned, any additional time that was necessary was appropriate and that there would be no budgetary change during this fiscal year. However, I have every reason to believe it may be possible to have an agreement between the two organizations for the end of this calendar year. I am not putting any particular deadline on it. The statement in the budget remains unamended, other than that it will not occur this year.

Mr. Chairman: At what point does your statement in the budget become history?

Hon. Mr. Nixon: I suppose when its work is accomplished. I have no way of saying that. Unlike Joe Clark, I can count the members of the Legislature.

Mr. Hennessy: You blame everybody but yourself.

Hon. Mr. Nixon: I count myself; I count you.

Mr. Hennessy: You joined us too, then.

The Treasurer plans to have a meeting with OISE. The money is going to be sent to the University of Toronto. Is there any possibility of not taking any action whatsoever and seeing what occurs at these meetings you are going to have? If you give the money to one person and something is decided such that you are back where you were before, it means taking the money back from the people you have already sent it to. Is it not better just to hold on to everything to see what kind of decision you reach at that time, and then you can allocate the money?

Hon. Mr. Nixon: I do not intend to have any meetings--at least they

are not planned at this time--with the representatives of OISE or the university. I am informed that there will be some meetings between the chairman of the board and the president about these matters. I will not be involved.

Mr. Hennessy: You said you were going to allocate the funds, or are you going to hold on to the funds?

Hon. Mr. Nixon: No, the funds are allocated to OISE.

Mr. Hennessy: To OISE?

Hon. Mr. Nixon: Yes.

Mr. Hennessy: All right.

Ms. Bryden: I am very pleased the provincial Treasurer came back because I know his time is valuable. We made considerable progress the last time you appeared. One of the important things you told us was that there would be no reduction in transfers to OISE--that is on page 6 of Hansard--and that there would be no reduction in research funds so that nobody could say you were closing down OISE. That has been clear from the beginning.

Can you define what you mean by "research funds"? Does that include the \$2.2 million that is put in the Ministry of Education's budget? Does it include the cost of the field services? Does it include the grants to graduate students who may be engaged in research? These are the three areas that might be called research.

Hon. Mr. Nixon: These are matters to be determined, presumably, by the minister in charge and the board. I cannot answer that question.

Essentially, OISE is an institute for studies in education. It could have been research in education. I presume that most of the budget of OISE is for studies and/or research. I do not recall that one of the original emphases was to give certificates or graduate degrees to teachers permitting them to enter administration, but in some measure that is what is happening.

Ms. Bryden: So your guarantee of no reduction in research funds is--

Hon. Mr. Nixon: I mean there will be no reduction in funds available for the work associated with studies in education.

Ms. Bryden: Even though we have not discussed it in great detail, I presume also that the transfers and/or expenditures by the Ministry of Government Services for OISE physical plant and the lease will continue. Is that correct?

Hon. Mr. Nixon: Yes, in spite of the fact that it is one of the most absurd agreements entered into by the government of Ontario. I am sure the honourable member knows we are paying something in excess of \$2 million for the leaseback purchase of that building, which was built without any tenders by the strange consortium of politics and free enterprise at that time. One of the things that really gripes me is that the money must be paid in United States funds. Of course, we maintain the commitments made by our predecessors, however absurd.

Ms. Bryden: Yes, I know there was considerable controversy at the time of the arrangement, but we have it now and certainly--

Hon. Mr. Nixon: Actually, I understand as well that the upkeep of the building is becoming more and more expensive and difficult as it ages, and all those dollars are paid from the provincial Treasury, as far as I know. There may be some allocation of OISE tuition dollars for that. It is difficult to track individual dollars into individual programs, but presumably the Ministry of Government Services has residual responsibility in that regard. We are not going to let it fall down.

Ms. Bryden: I noticed in the transcript that you said you agreed with Mr. Henderson in the Henderson report that possibly OISE should be rented and the furniture sold. I hope you were not serious about that.

Hon. Mr. Nixon: I was probably just as serious as the former Progressive Conservative Treasurer. It is difficult to determine how serious he was. This does not mean that the concept of research in education should not go forward. It will have to go forward in a suitable building. OISE is in a very fine building; it certainly should be.

10:10 a.m.

Ms. Bryden: Even if OISE were working with the University of Toronto, I doubt whether the University of Toronto has space to accommodate OISE at the moment.

Hon. Mr. Nixon: Of course not. I am sure that Mr. McKeough's proposals were somewhat more draconian than I would undertake, seriously.

Ms. Bryden: That is very good news.

Our hearings have pretty well been concluded with the 150 briefs we have received, although I noticed three more on my table this morning. The hearings have shown us that OISE is a very unique institution in the province in that it carries out a three-fold role of graduate training, educational research and policy development, and field services.

Probably no other institution in Ontario, in Canada or perhaps in the world, covers anything like the scope of its operations. Therefore, it requires more consideration as a unique institution carrying out these three functions. This is the gist of the briefs we have received. These roles cannot all be carried out within the University of Toronto, although they can perhaps be carried out by joint arrangements with the University of Toronto and other universities across Ontario, but the integration of these three services must be within one institute.

This is new information that came out as a result of these committee hearings, which have pinpointed the three-pronged role of OISE and the way in which it is carried out through various government ministries, as well as through operating as a graduate school and operating field services that complement the field services of the Ministry of Education. Now that you are at least aware of the hearings and our findings--I am sure you have not had a chance to read all the briefs--do you not think that this additional information and picture of OISE puts a new picture on how OISE can continue to carry out its mandate in these three fields?

Hon. Mr. Nixon: I have no doubt that OISE could continue to carry

out its mandate in those three fields. My judgement is that it would be more efficiently carried out under the administration of the University of Toronto, which also has a world-wide reputation for excellence, academic and otherwise, which also has extensive field arrangements and services in areas already established, and which grants the degrees for the institution. I agree with your original contention that OISE is unique.

Ms. Bryden: Another thing that came out of the hearings when you appeared before us on April 17 was that while you pledged not to reduce transfers and research funds, you could not guarantee that OISE's budget would be maintained if it were transferred to the University of Toronto. Is that not the main problem? How can it carry out its mandate if it has no guarantee of maintaining the budget you transfer to it?

Hon. Mr. Nixon: I am sure the member would not suggest that the Treasurer or anybody else should tell the University of Toronto how it should spend its money. I do not intend to do that.

Ms. Bryden: This is the problem of whether arrangements can be worked out, as the negotiations that now are ongoing may indicate, that would enable OISE and the University of Toronto to work out joint arrangements, but not budgetary control. That seems to be the main--

Hon. Mr. Nixon: I have a great deal of confidence in the chairman of the board of OISE and the president of the university and others that might be associated with the discussions. I feel they can work out a suitable arrangement whereby OISE and the university, in conjunction with the faculty of education at the University of Toronto, will have a spectrum of education facilities, including teacher training as well as the more advanced graduate pedagogical review and research associated with OISE, and whereby appropriate funding will be established or continued.

Ms. Bryden: Do you see the possibility of the negotiations between OISE and the University of Toronto ending up with two independent institutions working together and possibly achieving the economies you see? I must admit that we have not seen any evidence of potential savings. We have seen evidence that there may be a considerable increase in expenditures if the work done by the field centres has to be done by school boards or Ministry of Education regional offices. Do you not think that by the end of this year an agreement could be reached between the two institutions that would not involve a complete transfer, but would achieve your objectives?

Hon. Mr. Nixon: I am not going to prejudge the results of the discussions between the institutions.

Ms. Bryden: I can understand that.

There is a question I neglected to ask last time. Before your October 24 budget statement, had you discussed with either Dr. Connell or Dr. Shapiro the proposal to transfer OISE to the University of Toronto and the implications of such a transfer?

Hon. Mr. Nixon: No.

Ms. Bryden: My contention is that we have obtained a great deal of additional information since then. As a long-time member, you know that government policy has often been changed on what you might call sober second thought, after additional angles have been looked at. We do not have a senate

to give us sober second thought, so we rely on members to look at the whole situation. Have we not reached that stage?

Hon. Mr. Nixon: The standing committee is likely capable of sober second thought.

Mr. McKessock: I was impressed by the briefs we received in our travels throughout Ontario, especially those we received in the outlying parts. That is what concerns me, coming from an area 100 miles north of here. The educational opportunities are not as great in the areas outside the large cities or outside Toronto. The field offices of OISE seem to be providing a great service for the teaching profession in these areas.

There is no problem with seminars, which they can plan six months ahead, but teachers who came before us told us that at a moment's notice they can get a response from OISE, can get help with a phone call. On the other hand, if the field offices were done away with, they would have to write to Toronto. That takes two weeks, with three weeks for a reply; it may be worse than that these days. I got a call just this morning from Meaford that one of my letters, dated March 4, arrived yesterday. You never know what the mail service is going to do.

Mr. Dean: It was not as bad as that a year ago.

Mr. McKessock: The federal government now is really bad.

Mr. Dean: Come on. It does not take them three weeks to get a letter written.

10:20 a.m.

Mr. McKessock: I think it was up in Thunder Bay where they told us--and I did mention this to the Minister of Education (Mr. Conway)--that there are 25 people in the Ministry of Education office and only 3.5 in the OISE office, and they got more help from the 3.5 than they did from the 25.

Hon. Mr. Nixon: Perhaps you should have the Minister of Education here some time.

Mr. McKessock: We did and I told him. The job of the Ministry of Education is to police the rules and regulations carried out by the educational people and the OISE staff is to assist. There seemed to be a lot more policemen than there were workers. I am concerned that whatever happens here, the field offices stay in place so our education outside of Ontario will not suffer.

Hon. Mr. Nixon: Do they have offices in Manitoba?

Interjection.

Hon. Mr. Nixon: I see what you mean--in northern Ontario.

Mr. McKessock: Whatever part of Ontario I come from, north, south, west--

Hon. Mr. Nixon: You said outside of Ontario. You led me astray there for a minute.

Mr. McKessock: Did I say that? I am sorry. Some times those of us who live outside of Toronto feel we live outside of Ontario.

Hon. Mr. Nixon: Just keep paying your taxes.

Mr. Dean: Some of us feel rather that Toronto is outside of Ontario.

Mr. McKessock: Where is Toronto?

Mr. Hennessy: At times.

Mr. McKessock: I wanted to bring to your attention that I was impressed by the people who came before us. I even asked the people in northern Ontario if they got a special type of people to move up there, because they seem to be so dedicated and were so respected by the people there. I do not know whether the people who move to northern Ontario are a special group and do a special job, but evidently they were doing a good job and were very concerned they could lose this if anything happened to OISE.

Mr. Hennessy: The main concern among OISE people is the possible loss of jobs. I honestly think that when somebody new takes over a firm there are going to be changes, just for the sake of change. If the wallpaper is blue, somebody will say, "I would like it pink."

Hon. Mr. Nixon: Red.

Mr. Hennessy: Okay. I am partial to blue.

Hon. Mr. Nixon: You had a choice one time and you made it.

Mr. Hennessy: You did not make it attractive enough.

I am concerned about the loss of jobs. All these people here are concerned. There are going to be changes and different directions. Somebody is going to get hurt in the long run. I come from northwestern Ontario and realize the value of OISE. With an organization that is running well, free of arguments and complaints, the concern is the protection of jobs. Could you guarantee the protection of jobs for all the people in OISE now, if they merge?

Hon. Mr. Nixon: No, I cannot. That question was asked the last time I was here. I felt I should have said more at the time. It is not my responsibility to guarantee jobs. I have indicated funding would not be decreased. That seems to me that if the essential concept of education is research and the provision of services, in addition to the 24 representatives of the Ministry of Education in whatever town Mr. McKessock was visiting, perhaps we might save the money there, if there are savings to be made.

I agree with the honourable member. I did not think education was an area where policing was our principal responsibility. Having been a teacher in the north myself, I managed to get along without regional offices of the Ministry of Education, and if you can imagine it, without even the assistance of local OISE representatives. I even got asked to be a vice principal without having a bachelor of pedagogy, if you can imagine, let alone a master of education degree.

All things are possible in that regard. It is not my design to fire a whole bunch of people. I am not as concerned with the jobs as you are, but the administrators of the various organizations have a responsibility to hire and fire.

Mr. Hennessy: There is going to be another format set up by the new administration. Surely if you sit down, you have to give something and take something.

Hon. Mr. Nixon: It may be that the people who sit down make this one of their items. It may be as important as it is for you and me that everybody will be guaranteed a job until retirement. Maybe that is something they would consider important enough to negotiate. My own feeling is it is not in that category; it is really the administrative structure that is more important.

Mr. Hennessy: This committee was formed for the sole purpose of hearing briefs and travelling to different areas. We have heard a lot of people and 99.9 per cent, with the exception of the two who appeared here from the University of Toronto, were not in favour of dropping the Ontario Institute for Studies in Education.

Hon. Mr. Nixon: There were the two of them and me.

Mr. Hennessy: All you have to do is say it is not going to be dropped, and that is just the way it will be. We would not have you here if you did not have any decision-making power. In all fairness, I think you run the government. The other guy looks prettier than you, but you run the government.

Hon. Mr. Nixon: I resent that.

Mr. Hennessy: Everybody knows that you do not leave that chamber. You are afraid you are going to miss something. You stay there, and I give you credit for that.

Hon. Mr. Nixon: I am going to get contacts.

Mr. Hennessy: Nevertheless, this committee is more or less going to make a recommendation. Are you willing to listen to what this committee recommends?

Hon. Mr. Nixon: Sure.

Mr. Hennessy: Are you going to make your own decision?

Hon. Mr. Nixon: I will look at the report very carefully and I expect it would be debated in the House along with Ms. Bryden's bill to give OISE degree-granting powers. I will take part in that debate and try to influence the members of the House to support my decision, whatever it is at that time. My position now is--

Mr. Hennessy: You do not even have to get up in the House; you can just make a phone call.

Hon. Mr. Nixon: Even if everybody I could call agreed with me, we would still lose if everybody else was against this. That is what democracy is all about.

Mr. Hennessy: You mean to drop the funding then?

Hon. Mr. Nixon: No.

Mr. Hennessy: If they all agree it would be a good idea, it would be

unanimous. If your members vote with us, I am sure the Progressive Conservative Party and the New Democratic Party will vote to leave it as it is. You know that.

Hon. Mr. Nixon: We will see what happens.

Mr. Hennessy: I have a nice question for you now. The Liberal government conducted a poll on extra billing, or there was a poll taken. The percentage came out in favour of the government's stand on this matter. From what I understand your esteemed leader to have said, you went by what the general public wanted.

In this case, the people supporting OISE are 100 per cent behind OISE and want you to keep it as it is. That is a public opinion poll to some extent. There is nobody, not even one per cent, who want OISE to go to U of T. Are you willing to listen to what the general public wants? Most of the people here want to leave things as they are. That is a public opinion poll.

Hon. Mr. Nixon: You said the people supporting OISE are 100 per cent behind maintaining the status quo. I am not surprised at that. We do not govern by sensitive soundings of public opinion; we do what is right.

Mr. Hennessy: Oh, come on.

Hon. Mr. Nixon: That is where you guys got into trouble.

Mr. Hennessy: You and Bob Hope should be in vaudeville. He is a little older than you, but not much.

Nevertheless, I am just saying you ought to realize now that most of the members, even one of your members, talked in favour of it. You have to take that into consideration when the decision is being made.

Hon. Mr. Nixon: I can assure you I will.

Mr. Hennessy: Thank you very much.

10:30 a.m.

Mr. Dean: We labour under somewhat of a difficulty knowing that you have, as Mr. Hennessy so delicately put it, a great deal of influence in the government and that is the way a Treasurer should be. They should not appoint somebody who does not have influence in the government and they did not do it.

No matter what the recommendation of this committee may be, we are confident that after looking at it, you will probably come out thinking somewhat the same as you do now. You do not have to respond to that if you do not want to. There is an interim report from the Joint Council on Education of U of T and OISE that I know you are aware of and which we may have discussed the last time you were here. It has a beautiful title, Let's Talk, obviously directed at the government where talk is the chief currency. It is dated March 21.

They presume at the outset of their discussions that there will be a change. It proposes a thoughtful joint effort to retain the best of both the faculty of education and OISE in a new body, which would presumably be called something in the University of Toronto. If you have had a chance to look at that, do you think it forms a good basis for changing the status quo if that is the way it comes out?

Hon. Mr. Nixon: I found many of those ideas put forward to be reasonable and I cannot find any area of unreasonableness. I will be careful to say, as I said in my opening comment, that I understand discussions are under way, "talk" is under way. I hope and expect that some accommodation will be reached whereby OISE will have access to degree-granting powers currently established in the University of Toronto and that the University of Toronto will, through its faculty of education, have access to and continuity with the facilities at OISE. Capable people of goodwill will be able to work that out and the association will be beneficial to both organizations, whatever their status after agreement.

Mr. Dean: Having heard what several members have outlined, we are concerned that the effective field operations of OISE be preserved. I am not competent to judge how good their educational aspect is. I have always felt it was a bit up in the clouds, but that is because I am down on the ground. There is always a need for somebody to be looking a little farther forward than those of us who look after the daily things.

We have been given the impression throughout all our hearings that OISE is worth preserving and if there is some way it can be done more efficiently, not in a niggardly manner but with adequate resources, I support that. I hope that is your goal and not a witch hunt after some imagined inefficiency.

Hon. Mr. Nixon: One of the things about the continuing discussion that has caused me some difficulty is the feeling expressed, probably by extremists against any change in OISE's status, that by association with the University of Toronto all is lost and they are consigned to the Philistines. I cannot believe that, nor rationally listen to those arguments because they are patently absurd.

Mr. Allen: I am delighted to have the Treasurer with us again this morning. Having asked him a number of questions last day, I do not feel the urge to engage in a long series of questions this morning.

In the interval, despite a number of other preoccupations, I had an opportunity to look over the Hansard record, the estimates and so on. I have to say that, while the Treasurer's intrusion on this issue has been sporadic rather than constant, I did not sense he was harassing the institution mercilessly, which made me wonder about some of the things said about him in the course of this controversy.

Hon. Mr. Nixon: Fortunately I did not hear all of them.

Mr. Allen: There was apparently no vendetta. There was a certain obsessiveness about the theme from time to time.

Hon. Mr. Nixon: I have been accused of making the same speech more than once.

Mr. Allen: There were a couple of interesting curiosities that should be on the record. Your earliest concern about political interference in OISE marked the debate on May 13, 1965. The only thing I could find subsequently in the records was when one of your own members sought a study from OISE and this was brought to the attention of the House some time in 1978. Apparently those fears were groundless.

Second, I noted that one of your earliest concerns, that OISE staff might safeguard themselves in the inner circle and build as many hurdles as

possible around themselves in order that people might not get at them, is obviously the opposite of what happened. I am sure you would concede that.

Another concern was that when it came to the special program review, the Minister of Community and Social Services (Mr. Sweeney) was telling us in May that it would be disastrous to follow the course Mr. McKeough had outlined in the special program review. There was a very strong case to be made against integration with U of T and there would be no savings that could possibly be made in any case. Then, two weeks later, in June, you were saying pretty much what you have subsequently told us. I thought that was a very interesting light to throw on the past.

Hon. Mr. Nixon: I think yours is the only party that walks in lock-step and all polished.

Mr. Allen: I would not be sure about that either, with regard to some current issues or some past ones with which I am familiar.

One does not necessarily always follow public opinion. Certainly, some doubt could be raised as to whether public opinion fully supported the measure we are all proposing with regard to the separate school system at the moment. We have to make those choices in our parliamentary system and I think it is proper that we do so, and in so far as we can feel we are borne out by the record and the evidence, stand our ground.

What concerned me in the last session we had with the Minister of Colleges and Universities (Mr. Sorbara) was the note he seemed to be leaving with us that we should be consulting some other side which we somehow were not hearing. Quite honestly, we have tried to listen as broadly as we can. We have not heard much of another side apart from ministry representatives and Mr. Connell, which has left us with a sneaking suspicion that there may not be another side. We were left with the impression by Mr. Sorbara that we should leave this in the hands of a benevolent minister, to quote his words. I am sure you would agree that is not exactly the process in which we indulge in this place.

Hon. Mr. Nixon: I say, thank God for that.

Mr. Allen: Yes, quite.

If I am hearing you correctly this morning, I gather you are now maintaining a rather broad and open perspective on a wide range of options by which this may be solved by intelligent men of good will. Is that correct?

Hon. Mr. Nixon: That sounds supportable.

Interjection: Make that good women and men.

Mr. Allen: Men and women, of course. Oddly enough, the immediate negotiations do not seem to involve the other sex, but I would that they did.

The fact that you have not said no to that question, and not repudiated the observation, certainly leaves me with some hope.

Since we have asked a lot of questions of a lot of people, I want to be certain about my ground with respect to any preparation or advanced thinking that may have gone into the proposal you made in October. Do I understand that none of the ministries are engaged in any study with respect to actual duplication or potential savings?

Hon. Mr. Nixon: I would say the Treasury did, under our predecessor government.

Mr. Allen: At what date?

Hon. Mr. Nixon: Whatever it is.

Mr. Allen: In 1975?

Hon. Mr. Nixon: Probably.

Mr. Allen: Was there any examination, to any extent, of actual duplication in programs between the two institutions?

Hon. Mr. Nixon: The program review had the rather severe recommendations to which reference has been already made. It undertook those studies.

Mr. Allen: Again, that was some time back. Was there any review of potential losses in the performance capacity or practice of OISE's operation as a result of a possible merger?

10:40 a.m.

Hon. Mr. Nixon: It was not considered likely that there would be a reduction in its efficiency.

Mr. Allen: Was there any examination of alternative models of administrative merger and how various degrees of OISE's autonomy might be preserved, recognizing there are many ways in which the cross-fertilization between the faculty of education at the University of Toronto and OISE might be promoted?

Hon. Mr. Nixon: Only in so far as we are aware of a wide spectrum of associations now making up the University of Toronto among its various colleges, and universities within universities, I suppose. The university has grown over 150 years, since 1820 or 1830, in a way that has accommodated a wide variety of professional and academic requirements, some closely bound to the administration and some with varying degrees of independence. It did not occur to me that sufficient flexibility was not there; I believe it is.

As a footnote, I would suggest that if certain other organizations felt the University of Toronto was anathema for theological reasons, they might be glad to scoop them.

Mr. Allen: I did not realize the faculty of theology was involved in this debate.

Hon. Mr. Nixon: Well, we are getting into a sort of metaphysical discussion.

Mr. Allen: I am sure you are aware that there are many kinds of relationships between faculties, departments and so on, not only within universities but also between universities and business organizations, joint professorships that move back and forth and so on. I asked that question because many models obviously could be developed to facilitate the kind of cross-fertilization you appear to want.

Was there any study or review of the present budgetary processes in the University of Toronto and how they might impact upon the OISE budget in practice once it was immersed in the University of Toronto?

Hon. Mr. Nixon: No. I am probably one of the few people in the room who has maintained confidence in the autonomy of the board and the administrative structure of the University of Toronto. I do not want to join those who are prepared to downgrade it.

Mr. Allen: I am sure that is the case with all of us. The question does not arise as much with regard to motives and intents as it does to the actual circumstances of that budget. At present, it is the end of many years of difficult funding, if I can put it that way.

Hon. Mr. Nixon: Some people think it is not at the end of many years, but I am glad you perceive that it is.

Mr. Allen: You are trying to reverse that somewhat at the moment, and I will give you some credit in that regard.

Mr. Cousens: Not much, though.

Mr. Allen: Not much, but I will give you some credit in that regard.

At present, none the less, there are certain budgetary dynamics there as a result of that, which I am sure you recognize and know very well. I wonder whether you, some member of your ministry or some member of the other two ministries had given some thought in a systematic way to the way that might impact on OISE's budget and its prospects in that sense.

Hon. Mr. Nixon: I cannot say that I or we did.

Mr. Allen: Was there any evaluation of the response that might be elicited from the other faculties of education around the province to immersing OISE within the University of Toronto, as against facilitating its development as a province-wide, independent institution serving them all?

Hon. Mr. Nixon: My own view is that the universities have to make a selection of those areas in which they want to progress and achieve excellence. Not every university can have a school of medicine or law, or even a graduate school of education.

The graduate facility is in Toronto. In that respect, it is not an adjunct of the University of Western Ontario or Lakehead University. The idea that it become associated directly with the University of Toronto, which gives its degrees--and a good many of them, as I am sure you are aware--did not strike me as unfair or that it would be seen by the other universities to be unfair.

Mr. Allen: Were there any studies or was there any attempt to evaluate systematically the positive value of having an independent centre serving not simply the faculties of education, but the entire need of an education system that consumes a quarter of the budget?

For example, what range of research costs might be anticipated with respect to maintaining the efficiency of a \$7-billion annual investment in education? That question is very germane to what one anticipates and wants institutionally of a place such as OISE. Can it best be done with a relative degree of independence or in some other fashion?

Hon. Mr. Nixon: I am not sure I perceive the thrust of the question entirely, but I would answer that its association with the University of Toronto would not in any way interfere with its autonomy. Under other jurisdictions in the past, it might have been seen to be even more of an arm of the Ministry of Education than it is.

Mr. Allen: With regard to your comments about extremists and all being lost by merging with the University of Toronto, are you prepared to concede at the other end that there might be a case for examining OISE in terms of the possibility that independence could conceivably be a better route to go, given the absence of study to the contrary and firm conclusions based on some degree of objective evidence?

Hon. Mr. Nixon: I firmly expect the report of this committee will be seen to have examined that and that it will give a recommendation in that connection.

Ms. Bryden: You have probably read the very spirited rebuttal by OISE of the McKeough-Henderson report, which is the previous evaluation of OISE you mentioned.

Hon. Mr. Nixon: A rebuttal by OISE?

Ms. Bryden: Yes. I have it in my files as a member; it goes back to 1976. I will be glad to let you see it. It did rebut a good number of points made by the Henderson report; so there were two sides to the question even then.

Hon. Mr. Nixon: I read the debate on the subject at the time and all the information that was available. My files are not as complete as yours; that is true.

Ms. Bryden: I guess that was an heirloom piece.

Hon. Mr. Nixon: I do not save everything, but I should.

Ms. Bryden: At the last session, you said you could not guarantee that the field offices would be funded. You also said you thought some of their work could be done through the Ministry of Education's regional offices. When the Minister of Education (Mr. Conway) appeared before us, he said he would be most anxious to maintain the field centres. Has he discussed with you that if some or all of the field centres are not funded, his ministry will require additional funds to beef up its regional centres to carry out this function?

Hon. Mr. Nixon: No. He has taken into consideration the statement you have confirmed two or three times this morning, that we do not intend to reduce the funding. If a decision were made by the administration of OISE or its emanation not to continue those, then the Ministry of Education might very well have to instruct some of the officials it already employs to stop policing and start helping.

Ms. Bryden: Some of the field office costs come out of the OISE budget rather than out of the Ministry of Education. Would that still be available?

Hon. Mr. Nixon: My aim is not to increase duplication but to reduce it. We have indicated we do not intend to reduce the funding; so I would

expect the problems you conjure are not going to occur.

10:50 a.m.

Ms. Bryden: Mr. Connell has said he cannot guarantee the OISE budget will be maintained, and there is money in there used for the field offices as well as the Ministry of Education grants.

Hon. Mr. Nixon: I am not at all sure it would be appropriate for any Treasurer or even any committee of the Legislature to dictate to the university or OISE what they should do in perpetuity. I think it is appropriate for me as Treasurer to say I do not contemplate a reduction in the funding of education research, which I consider to be the work currently done by OISE and probably in some smaller measure by the education faculties of the other universities.

Ms. Bryden: I think Mr. McKessock's point was very well taken, that the field offices perform a different role from the regional offices of the Ministry of Education in that they assist school boards, principals and teachers to develop curriculums and evaluate programs, whereas the regional offices usually monitor the implementation of ministry policy.

Hon. Mr. Nixon: It is ministry policy as well that each school board has an elaborate hierarchy of academically and pedagogically educated supervisors and directors who might carry a modicum of OISE's concepts with them. I expect that they do and would continue to do so. The idea that if it became associated with the University of Toronto, there would be no sympathetic ear on this end of the phone line or that the university could not, if it chose, have field offices as it does in so many of its professional areas of responsibility, strikes me as a red herring.

Ms. Bryden: The qualifications of the field officers and the research officers attached to them are probably in many cases higher than the qualifications of the staff of the regional offices. Is that not another reason for maintaining the field offices at least up to their present level, and possibly expanding them in view of the value of their services, as has been brought to our attention?

Hon. Mr. Nixon: It is hard for me to make anything but a personal judgement on that, and I do not think that you would be interested in that.

Ms. Bryden: Why not?

Hon. Mr. Nixon: If you are, I think the academic qualifications are essential in the research that takes place but, dealing with the teachers themselves, just as important is to have practical experience in classrooms and in educational circumstances. I would not trade one for the other, neither would I put one ahead of the other substantially, in practical assistance for teachers.

That is why I feel principals, all of whom now hold certificates from OISE--that is one of the hurdles you jump before you can start moving in the system--and the very expensive hierarchy of supervisors and directors that each board must employ and maintain at a salary schedule well in advance of classroom teachers who now average \$42,000 a year across the province--should be able to provide the sort of assistance, in association with OISE or its successor, that all of us would desire.

Ms. Bryden: Is it not true, though, that the field offices put those classroom teachers in touch with worldwide research as well as OISE's research projects that are evaluating classroom activities?

Hon. Mr. Nixon: I will probably have to look to the report of this committee for some additional guidance in that.

Ms. Bryden: Do you feel this is an area where perhaps there should be a separate agreement or a separate section of any agreement between the university and OISE for the maintenance of that field service and the qualifications of the staff? One of the qualifications for the field service officers is they must have classroom experience, and I would agree with you that should be a very important part of their background.

If you leave it to the overall budgetary decision of the University of Toronto, that field activity may be curtailed, or there may be no room for expansion, or there may be a maintenance of salary scales that are not adequate to attract the type of staff they need. All those things are among the great concerns of people observing the work of OISE, particularly in the north and in the remote areas. Therefore, should that not be a separate guarantee within any agreement between the university and OISE for continuation of their activities, jointly or separately, as institutions?

Hon. Mr. Nixon: It is inappropriate for me to try to dictate what should be in the merging solution. I have a great deal of confidence that the judgements of the people who are endeavouring to undertake additional discussions will be appropriate.

Ms. Bryden: This may be an area, which Mr. Sorbara mentioned, of disagreement in negotiations. He suggested that if there are such disagreements or difficulties in coming to an agreement on this subject, they should be referred to the Ontario Council on University Affairs. Do you think that is a reasonable way of solving such conflicts or disagreements?

Hon. Mr. Nixon: In the January letter I wrote to both the president and the chairman, I indicated that I would like them to discuss a suitable disposition of the matter, and failing that bilateral approach to it, that the ministry would listen to them on a one-to-one basis and make a disposition as it saw fit. Do you understand what I mean?

If the minister thought in those circumstances that the two organizations, through their president and chairman, could not make contact in any kind of rational discussion, we would require that their views be brought to the ministry, however mutually exclusive, and the ministry would then come up with a solution. The fact that Mr. Sorbara indicated the organization to which you referred might assist him in this does not appear to be irrational from my point of view. My letter indicated that if the two organizations found they could not communicate, we would require them to communicate with the ministry, and we would take over some additional responsibility in that, we hope, unlikely event.

Ms. Bryden: Do you think part of the agreement should also have a specific guarantee of OISE's present budget, since you are prepared to pass on the present transfers? That is one of the most contentious questions and is the main root of the concern about your proposal. OISE has no bargaining power when it does not have degree granting power. Therefore, to have the University of Toronto decide their budget may mean they will not be able to carry on their mandate. That is why you may find this is an area of disagreement coming back to you.

11 a.m.

Hon. Mr. Nixon: My own feeling is that if the transference of the administrative responsibility takes place to the University of Toronto--and I know many people here do not want that; I want it and others want it, as you know--it is not a matter of voting on it. It is a matter of budgetary policy at this point. It is up to the board that has the responsibility to fund the responsibilities as it sees fit. Obviously, it cannot spend more money than it has, although it can go out and try to get more. My guarantee is that the amount of money provided for education research in that broad sense will not be reduced.

Ms. Bryden: Are you aware of OISE's representation on the University of Toronto board of governors? They enrol their students in the school of graduate studies and therefore have some student representation and some faculty representation.

Hon. Mr. Nixon: I am sure it is available in my briefing papers, but I cannot tell you what it is.

Ms. Bryden: On a board of 50, it is two; one student and one faculty. They will not have much say if that is not changed or there is not some other means of negotiating their budgetary needs. You say they should compete for resources. They are competing with 48 other people on that board who have other concerns. Does this not mean that they may not be able to maintain their mandate because they may not get enough of an allocation?

Hon. Mr. Nixon: I expect the provision of money for education research will permit the education research facility to maintain its mandate. I am sure you will be aware, as a progressive, that mandates change. Even the structure and function of OISE has, thank God, changed quite dramatically over the 20 years, and particularly in the past five years.

Ms. Bryden: I recognize that at the last meeting you gave a sort of endorsement of an operation that is world recognized. There is evidence they are running a very lean administration. They have reduced costs. The earlier criticisms of OISE have somewhat dissipated, which is another reason it should be considered for degree-granting powers after 20 years of operation and after having gained worldwide recognition as well as great acceptance throughout the province. I gather you still are not prepared to consider that.

Hon. Mr. Nixon: I will consider anything, but I am not enchanted with the concept of erecting another degree-granting structure when many degrees in pedagogy have been granted over the past few years under the aegis of the University of Toronto.

Ms. Bryden: You mentioned last time that you thought it might be duplication, but it seems to me we already have duplication in that the students have to be registered in the school of graduate studies. They have to get their degrees from there. There are administrative procedures involved in giving them their degrees that have to be done at the U of T. As well, those students have to be admitted to OISE and go through admission procedures there. OISE has to make the recommendation. We already have a dual system that might be streamlined if OISE had its own degree-granting power.

Hon. Mr. Nixon: My concept is that it might be streamlined in another way.

Ms. Bryden: You will recall that you said in one of your early speeches on OISE in 1975, when the bill was being considered, that you thought the lack of degree-granting powers could create instability for OISE.

Hon. Mr. Nixon: It did too.

Ms. Bryden: Are you not concerned that instability is still there as a possibility?

Hon. Mr. Nixon: It certainly is still there.

Ms. Bryden: This would be a way of overcoming that instability and giving OISE some sort of future, so that it can see that 20 years hence it will still be there and will still be running its own programs, subject to the design control of the provincial Treasurer.

Hon. Mr. Nixon: I would sooner it be controlled by the board of the University of Toronto and that is the initiative I have taken.

Mr. Cousens: I apologize that I was not here at the very beginning. There is nothing I like more than to see our Treasurer perform. He is indeed one of the most expert of all legislators in Ontario, maybe even in Canada, in his ability to manoeuvre, to move and to answer questions.

Hon. Mr. Nixon: Manoeuvre? What is this?

Mr. Cousens: I have a lot of respect for you, but I also know your abilities are very great. That is a compliment and it is genuine.

Hon. Mr. Nixon: I appreciate that.

Mr. Cousens: I also worry about you. I think that--

Hon. Mr. Nixon: Oh, oh.

Mr. Dean: Here it comes.

Mr. Cousens: I have a few nasty questions for you. Did you ever attack the Ontario Institute for Studies in Education or its staff in the Legislature, for whatever reason, back in the days before you had these responsibilities?

Hon. Mr. Nixon: I have not taken the opportunity to re-read my speeches the way so many of my colleagues do. You will have to be the judge of that.

Mr. Cousens: Who can read them?

Hon. Mr. Nixon: Dr. Allen, for example, has read them all in spite of his busy schedule.

would you call it attack or harassment? I think not. I have been very interested in it and have been prepared over the past 20 years to be substantially critical of what I consider to be the unduly political nature of its structural formation. We almost had a royal commission on that, but it ended up as a royal commission on the Hydro building instead. They were all in the same bag, however.

There was a time of real concern when OISE was unable to get qualified faculty members from Canadian jurisdictions. Many people were persuaded to come in from American jurisdictions. There was a good deal of public comment about that. Many of these people are still on the staff. Whether they are Canadian now is seen to be irrelevant because of the increasingly cosmopolitan and sophisticated views of people such as myself and many others. Nationality seems irrelevant and we do not feel the pressure as Canadians that we did then when we were unable to man our post-secondary institutions in pedagogy. It was never really considered a matter of post-graduate degree consideration until 20 years ago. People had a certificate to teach in almost the same way one has a certificate to practise chiropody. Actually, they were very similar. We have come a long way and we cannot go anywhere without an additional certificate, as you know.

Another area of criticism was the high cost and the fact that the staff there is paid a quantum jump ahead of any other university's faculty, for reasons that can be explained. I find the reasons insufficient, but they can be explained, since it is in concept a totally graduate institution. A person with an unreconstructed approach to keeping costs down might still wonder why the average cost per individual is approximately \$2,000 more than that of the University of Toronto, which has the second-highest salaries in Canada by virtue of a recent 19 per cent arbitrated increase.

It is not my job other than to express concern, since all those salaries were arrived at by agreement and/or arbitration. If you talk about my complaints and harassment in the past, I do not believe it could be qualified as anything more than a watching brief on an organization in which, as people have repeatedly pointed out, I have a strong and continuing personal interest.

Mr. Cousens: Were you ever turned down for advanced studies at OISE?

Hon. Mr. Nixon: I have accepted all their invitations to attend whatever they had over there, but I am not guaranteeing that I will in the future. The answer is no. I was able to make do with a teaching certificate granted by the Ontario College of Education, which now is the faculty of education of the University of Toronto. It was granted in 1951.

11:10 a.m.

Since we are not pressed for time I want to say, and I am probably the only teacher you will ever hear say this, that the year at the college of education was one of the greatest years I ever experienced in my education. It was great. I met marvellous new people. I enjoyed the practice teaching enormously and realized that I wanted to be a teacher. I also did not mind being ensconced in downtown Toronto without too much pressure.

Mr. Cousens: They did a good job on you.

Hon. Mr. Nixon: Thanks a lot.

Mr. Cousens: Have you ever been--

Hon. Mr. Nixon: Elmer Iseler was a fellow student of mine in the music option.

Mr. Cousens: Who is he?

Hon. Mr. Nixon: Elmer Iseler the great. We had a choir and he was

just a man in the choir. There were about 30 of us. We all had to take turns conducting. When I was conducting, Elmer would stand in the back row with his back to me. He would wave his hands in the appropriate way. I would wave my hands in the same way and I got the certificate, which is an indication, probably, of the professional aspects of the school in those great days.

Mr. Chairman: Were you not a half beat out of time though?

Hon. Mr. Nixon: No.

Mr. Cousens: Are you not still doing that with David Peterson?

Hon. Mr. Nixon: I took music because I did not want to take physical education, if you want to know the truth.

Mr. Cousens: It is a bit flat.

Have you ever been on any advisory board or committee of OISE?

Hon. Mr. Nixon: No.

Mr. Cousens: The concern I have that underlies the whole subject is the intentions of the government in doing what it suggests it do. My worry is I happen to think, as do many of the people involved with this whole debate, that there is some other motive that goes beyond the economic reasons and the other reasons that are given. A few years ago, when I was on the York Region Board of Education, there was always a group that was saying, "OISE." There was an undercurrent that wanted to "get OISE."

Hon. Mr. Nixon: Get OISE?

Mr. Cousens: I am not saying that you are representative of that group, but I know that I saw it and I heard it. It is getting hot, eh, Bob?

Hon. Mr. Nixon: Don, you are getting to me.

Mr. Cousens: He is going to start throwing punches.

Hon. Mr. Nixon: I am listening, kid; go ahead.

Mr. Cousens: That was part of the rationale. There was always that group. You find it with different institutions. You talked a moment ago about the instability around OISE, and there were other reasons for that. The other reasons had to do with this group that were never strong supporters of it. I do not want to get into their thinking or their intentions, but they were there. What I see happening is that type of dislike surfacing now in another form, as you and your government put them under another form of attack. I do not want to prejudge you on that. That is why I asked the questions about your background.

Hon. Mr. Nixon: I think I trotted out all the areas that might have led to personal prejudice. I remember very well the involvement of Gernardt Moog in the building of that building, and there were others: the headquarters for what is now TVOntario, the Trans-America building and the building down here. I am not going to make speeches about it, but it was not one of the finest hours in public policy development. The concept of spending money for education research could not possibly be finer, but that sorry bird had its

feet stuck in some nasty mud before it started to fly. I am not carrying around some awful grudge. What the hell, that is 20 years in the past.

However, it accounts for a certain critical approach to it to begin with. It did not have anything to do with the quality of the research going on there; it was the quality of the judgement of the government of the day. You talk about independence or lack of independence. Every stone and every parking lot was the subject of government contracts let without tender. It has nothing to do with education research. It has everything to do with the business of government and the business of opposition.

I have already referred to the fact that one of the big issues, a cause célèbre, was that we went through a period of rapid expansion of our post-secondary system when we could not staff our faculties dealing with social services without heavy dependence on foreign academics, most of them American. They came in here and there was criticism from the opposition. "Where are our good people?" It is just like governments and opposition; it was a real issue.

OISE was one of them, simply because we had never had degrees in pedagogy. They were never seen as necessary in this jurisdiction. Of course, those were the bad old days when teachers could not do their jobs, as opposed to now. There was a lot of controversy about that. I do not resent it because it is almost irrelevant, as far as I am concerned, but the concept that there is of a group of old-timers around here who want to destroy OISE, I can assure you, is not correct.

I have referred to this before: I find it difficult to understand why being associated with Canada's greatest university--I say that as a graduate of McMaster University--should be seen, by academics or any other reasonable persons, to be the death knell of good intentions. It is totally irrational and smacks of self-service of a type that might, under other circumstances, be criticized heavily.

Mr. Cousens: I wanted to raise these questions. They have probably been raised before in different ways. I could not have done it if I did not have high respect and regard for Bob Nixon and his job. I am satisfied when you answer the questions as you have, clearly and straightforwardly. I am glad I asked them and that I put it on the table.

I have to tell you that there are many who are suspicious and worried and who look for other motives. The problem is that there are not sufficient motives in all the reasons given to justify the move. That is why the opposition is so strong. We keep thinking, "Is there something else?" That is why I wanted to ask you those questions. You have answered them and I accept them. I guess it does not change the direction in which we are going, but I thank you for your candour.

Hon. Mr. Nixon: I appreciate that.

Mr. Allen: I have a couple of final questions. First, I guess there are some who have used the argument the Treasurer just reiterated, that association with the University of Toronto would be a death knell. My understanding of that argument is not, however, that it is meant to reflect specifically on the University of Toronto as an institution that has worldwide recognition for many of its faculties, departments, graduate studies and institutes; the issue, essentially, is whether the University of Toronto, given the circumstances of its budgeting to which I alluded earlier, could end

up doing anything other than reducing the capacity of OISE, given the free play and interplay of the budgeting process as currently constrained at the University of Toronto. I want to make that clear.

Hon. Mr. Nixon: I would like to respond to that. The board of any organization has to make very tough decisions because there are never adequate funds to do all the things it wants. I do not care what board it is. These days there is not enough money for all the things we want to do. All the universities are being called upon by the present government to make their own judgements as to the areas where they want to proceed.

We have something called an excellence fund. I am not prepared to defend the adjective because I do not think there is enough money in the excellence fund to achieve excellence. It might as well be "towards excellence" or whatever. The allocation of the fund is supposed to be, and I believe it is, in support of the universities, which will, among themselves, make decisions to move forward.

11:20 a.m.

I do not want to make a speech about university finance, although there is a lot of concern about it. We have added our own improvement: an additional \$15 million for applied research through the Premier's technology fund, which is \$100 million this year. Any educational institution, but presumably a post-secondary one, can come forward with its plans that can and will be supported from this special fund. The decisions are left with the board.

I hope the discussions between the chairman of the OISE board and the president of the University of Toronto will proceed to an arrangement that is at least acceptable to both, under which the U of T will have a closer association with OISE. An agreement that gives some continuity to the degree-granting authority would leave the university as the only organization with significant post-secondary education and with pedagogy research. That is an area that could be supported strongly. The argument could be made that in areas of education, the funding for educational research or whatever might very well be strengthened. Just as good an argument can be made in that regard as the other argument.

Mr. Allen: we could spend a whole day on that question.

Hon. Mr. Nixon: I know, and neither of us is on the board of either one.

Mr. Allen: No, that is right. I remind you that the Bovey commission indicated in its study of this faculty renewal proposal that maintaining in our universities even the present inadequate faculty-student ratios, which have been getting worse in recent years, would take 900 new faculty between 1988 and 1992.

Hon. Mr. Nixon: How many did the minister announce? Was it 700?

Mr. Allen: I will tell you. The Bovey commission fell back to a figure close to 500 on an ongoing basis. None the less, it foresaw that there would be a number of years in which there would be immense demands of almost double the order of the faculty renewal that the commission was proposing.

The Minister of Colleges and Universities (Mr. Sorbara) announced 500 additional places at about three fifths the amount of funding the Bovey

commission felt was necessary to maintain even conservative salary levels in that period as part of that complement and project.

There are immense and growing pressures on the universities. From the side of education, there are increasingly sophisticated demands being made on boards of education that require more and more complex patterns of curriculum development, of functioning in the classroom and so on. That can lay only new burdens on every institution that deals in education training, educational research or field centre backup.

My concern, and the concern of those within the University of Toronto and other university institutions in Ontario who have been worrying about the merger, is that the play of forces would be such that, inevitably, the amount that goes to maintain the functioning of the education system at large and to provide equality of opportunity would be diminished.

I agree with everything you say about the way in which a board would function and about how the financial operation would happen in an institution such as a university. I have been part of that. The inevitable result in the present climate would be such as to justify many of the fears that are voiced.

The other is a correction that needs to be made about faculty salaries. Whenever we get into these debates about university funding, somebody on one or the committees always asks, "How much are faculty paid?" He gets an answer and that closes the door on the rest of the discussion.

If one wants to have a proper reading of OISE's salary level, would it not be fairer to examine the average salaries of the graduate faculties at the University of Toronto, at the University of Western Ontario, at Queen's University or at McMaster University? Should we not do that kind of comparison, rather than comparing across-the-board faculty salaries in general?

Hon. Mr. Nixon: I did not mean to imply, nor do I believe, they are overpaid. It is nonproductive to get into an intricate examination of remuneration in response to responsibility. For example, we did that in the college system, where it was pinned right down to the minute for class preparation and so on. When you look at the statistics from the mediator-arbitrator, you can be appalled on both sides, if you can imagine that.

I do not want to undertake that kind of review. I do not believe these people are overpaid. They are paid what they are getting. Presumably, they have a loyalty to this organization. In spite of that, if they could get more somewhere else, it might cross their minds to do so.

Mr. Allen: I hoped you would say that, because it seems irrelevant to the main issue at hand to get into it.

Hon. Mr. Nixon: I was asked for the variety of prejudicial baggage I might be carrying along, and in all honesty, I felt I should mention that.

Mr. Allen: It was an honest response. I want to thank the Treasurer for responding as frankly as he has this morning, and for the indications I read in some of his responses that he is on reasonably broad and open ground on this issue once more.

Mr. Chairman: Thank you, Dr. Allen. I might have a couple of words with the Treasurer before he leaves--

Hon. Mr. Nixon: Oh, oh.

Mr. Chairman: --to point out to him that he is personally the reason we are here. It is fitting that we should finish off with him, or finish him off. I am not sure which.

There is one thing you did not consider very carefully before you made this announcement, and might well have done slightly differently had you had the opportunity as the new Treasurer. That is the impact of the field offices. As Mr. McKessock would say, when we got out into the real province of Ontario, that is what we got. A couple of times this morning, you mentioned that you feel confident the University of Toronto will provide the services.

Hon. Mr. Nixon: I have to be careful. I do not know what my words were. I intended to say that the board of the organization, both now and whatever it evolves into, will make those decisions. We provide the money, and all of us as members of the Legislature can make speeches about what it should do. In the end, however, it does what it decides to do.

Mr. Chairman: You put it in the context of the extensive services offered by U of T outside Toronto. While that may be true, the very opposite of that point was brought to our attention many times when we were outside Toronto. I just want you to know that.

Hon. Mr. Nixon: Do you mean that the University of Toronto does not provide those field services--

Mr. Chairman: That was the feeling we got.

Hon. Mr. Nixon: --or is it the fact that the Ministry of Education does not provide adequate field services? That is what I got from the discussions.

Mr. Allen: They are qualitatively different.

Hon. Mr. Nixon: That is another issue.

Mr. Chairman: We have not resolved anything at this point. You sounded a little more helpful this morning than you have to date. Thank you for that.

What we have accomplished is to bring out an appreciation of OISE that was not well understood or appreciated thus far, and we have done that through the committee's endeavours. I fear we are up against a University of Toronto that is a bit reticent about what you are doing. God knows, they get quite a bit of their money from you, and they are not about to offend you, are they?

Hon. Mr. Nixon: I do not think that argument holds true, because we provide a larger proportion to OISE. That did not help them back.

Mr. Chairman: Our problem has been to get U of T to come up with any enthusiastic support for what you are doing.

Hon. Mr. Nixon: It may feel that any enthusiasm would be misunderstood.

Mr. Chairman: It backs off a little when it realizes where some of its money comes from.

Hon. Mr. Nixon: That is unfair.

Mr. Chairman: I would not call it unfair at all. Do you want to give my riding a grant? I may change my mind.

Hon. Mr. Nixon: Listen, with all the money we pumped into that Honda plant up there, you should be more friendly.

Mr. Chairman: I think that predates June 26.

Hon. Mr. Nixon: I think you may be right.

Mr. Chairman: As a matter of fact, the last government put about \$4 million into that. How much did you put into Toyota?

Hon. Mr. Nixon: Something in that order.

Mr. Chairman: Yes, times 12. However, the important thing is that now you have given the two organizations until--

Hon. Mr. Nixon: I have not set any limit, so do not say I have.

Mr. Chairman: I thought I heard you say until the end of the year.

Hon. Mr. Nixon: I said I hoped and expected the decision would be made by the end of the year, but I have already learned in my business that as soon I say, "If something is not done by a certain date, the hammer will fall," the hammer is kind of rubbery.

Mr. Chairman: We are noticing that, thanks. I understood from your comments you had given at least until the end of the year. Would you consider withdrawing, in the meantime at least, the threat--it is not a threat, but the motive for the whole negotiation is going to be the two sentences in your budget. I do not think that is a negotiating position. You are saying to the two organizations: "Here is what you have to do. Come back and tell us how you are going to do it."

Are you prepared to let the two organizations enter into a true negotiation, at least to report to you at the end of the year how they might see it? In other words, you get the best of the U of T and the best of OISE.

Hon. Mr. Nixon: That is certainly the intention of the original initiative, which does not presuppose the acceptance of the status quo. I am not in a position to do as you suggest. My own feeling is that we are not placing any unreasonable time limits on the discussions, and I am quite confident and optimistic that what these people and groups will come up with will be, and will be seen to be, mutually satisfactory. I sincerely hope so.

In the meantime, those two lines have stimulated a lot of useful activity by members of the Legislature and by some OISE faculty. They will look back on these 18 months as one of the most interesting periods of their

academic and political careers. There is nothing like an adrenalin flush two or three times a day to--

Mr. Chairman: If they are given degree-granting powers, I am not sure you will get an additional doctorate.

Hon. Mr. Nixon: How many does a guy need?

Mr. Dean: How many do you have?

Hon. Mr. Nixon: I have one from McMaster. I am not saying that does not count but--

Mr. Cousens: Let me check the grant to go to McMaster.

Hon. Mr. Nixon: Very honoured indeed.

Mr. Chairman: Thank you very much, Treasurer. You are a little easier going today than you were before.

Hon. Mr. Nixon: It is always a great pleasure.

Mr. Chairman: Thank you. If the committee would stay, please, we will go in camera for a few moments.

The committee continued in camera at 11:35 a.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

EDUCATION AMENDMENT ACT

THURSDAY, JULY 3, 1986

Morning Sitting

STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G. R. (Dufferin-Simcoe PC)

VICE-CHAIRMAN: Dean, G. H. (Wentworth PC)

Bryden, M. H. (Beaches-Woodbine NDP)

Cousens, W. D. (York Centre PC)

Guindon, L. B. (Cornwall PC)

Hart, C. E. (York East L)

Henderson, D. J. (Humber L)

McKessock, R. (Grey L)

Newman, B. (Windsor-Walkerville L)

Pollock, J. (Hastings-Peterborough PC)

Pouliot, G. (Lake Nipigon NDP)

Substitutions:

Allen, R. (Hamilton West NDP) for Ms. Bryden

Davis, W. C. (Scarborough Centre PC) for Mr. Cousens

Villeneuve, N. (Stormont, Dundas and Glengarry PC) for Mr. Pollock

Clerk: Deller, D.

Clerk pro tem: Decker, T.

Staff:

Revell, D. L., Legislative Counsel

Witnesses:

From the Ministry of Education:

Conway, Hon. S. G., Minister of Education and acting Minister of Government
Services (Renfrew North L)

Carrier-Fraser, M., Assistant Deputy Minister, Franco-Ontarian Education

Steele, L. W., Education Officer, Legislation Branch

Mitchell, W. T., Director, Legislation Branch

ERRATUM: The inside cover of G-21 incorrectly identifies Mr. B. D. A. O'Riordan. He is the Special Assistant to the Treasurer, Community Liaison, Ministry of Treasury and Economics.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, July 3, 1986

The committee met at 10:18 a.m. in committee room 2.

EDUCATION AMENDMENT ACT
(continued)

Consideration of Bill 75, An Act to amend the Education Act.

Mr.-Chairman: Order, please. Do you wish to speak to us, Minister?

Hon. Mr. Conway: I have an introductory comment, and a sad one. My friend the member for Prescott-Russell (Mr. Poirier) wanted very much to be here today. Unfortunately, he is back in hospital in Ottawa with a kidney ailment. He sends his regrets that he is not going to be able to participate for a few days, at least. That is by way of explanation for his absence.

The other point I want to make is a procedural one. Since I and my friends the member for Scarborough Centre (Mr. Davis) and the member for Hamilton West (Mr. Allen) have been doing business in another committee and since my colleague the member for York East (Ms. Hart) will introduce a large number of amendments the vast majority of which are technical, I wondered how you might wish to proceed. My hope was that, for purposes of the discussion, this working document that some of you have would be the easiest document from which to work, because it explains the amendments as they relate to the original bill.

The technical amendments arose after a lot of consultation with school board officials who made it quite clear they felt certain changes of a technical nature would make the process anticipated in this legislation work more effectively. In almost all cases, the amendments of a technical nature arose out of fairly extensive consultation with organizations such as the Ontario association of school administrators, which had the opportunity to discuss this with ministry officials on a number of occasions. They suggested a variety of technical amendments that they felt and we agreed would make the process work more effectively.

Some policy issues are addressed as well. I have circulated a note to members to flag those. We have also incorporated the Metropolitan Toronto proposal. That too was spoken to earlier, but it has been developed during the past months after quite extensive consultation with all members of the affected community in Metropolitan Toronto.

That being the case, it is now two years and one week since the Ontario Court of Appeal ruled that the francophone minority in this province had a right to exclusive jurisdiction over its schools and programs and that there should be guaranteed representation of those schools and programs. The government seeks, with the support of this committee and the Legislature, to move forward and give effect to the public policy that has been reinforced by the Court of Appeal decision in June 1984.

We are quite anxious to move expeditiously now, having regard to the fact that we wish to begin this process later this year. The House will

adjourn, presumably, some time during the next few weeks or months. We want to give every encouragement to the school community that must integrate and give effect to these changes. We want to give as much notice as we possibly can.

I appreciate the chance to be here. The committee has had the opportunity to hear representations from many groups in the past weeks. We in the ministry feel that the amendments being proposed today reflect a genuine consensus in many areas, although I will be candid and say not in all, and also reflect a wide-ranging consultation.

It is important for me to state again that, as a matter of government policy, we are anxious to proceed but also we have regard to the fact that the court direction is now two years and one week old. We have a set of proposals here that will take effect, in some cases, within six months. I am very anxious to make sure that everyone in the community has as much notice of what is coming as we can possibly provide.

Then there is the question of how we might proceed. We had the opportunity just before we began this morning to discuss the matter. From the government's point of view, there are quite a number of amendments, the majority of which are purely technical. Some of the amendments touch on policy issues. I know the committee's time is not limitless, so I am in the hands of the committee to do this in whatever way the committee feels is both fair and efficient.

M. Allen: C'est un grand plaisir de voir ce projet loi et de commencer le processus de considération en détail. C'est un problème pour nous que le temps soit si court pour une telle considération. Nous avons eu des problèmes avec le Parti conservateur à cet effet, c'est-à-dire introduire des projets de loi trop tard au cours d'une session. Ceci consiste en un projet de loi très important et il est nécessaire de l'expédier le plus vite possible. Nous reconnaissons que c'est un projet de loi de très grande importance pour la communauté franco-ontarienne et c'est un plaisir pour nous de commencer ce processus.

Nous transmettons nos souhaits de prompt rétablissement à M. Jean Poirier. Je sais qu'il tenait à être ici, parmi nous, après le travail qu'il a fourni dans ce comité.

I am pleased to begin this process of detailed consideration of Bill 75. It is a project of great consequence for the French community, one we had hoped we would be able to spend a little more time in looking at in great detail so it would be the best possible bill. None the less, I am sure in the time we have at our disposal we will be able to deal with the matter expeditiously and to launch a new regime of governance of French schools by the French communities themselves.

Mr. Davis: It is a pleasure to be able to begin the process of bringing French governance to the francophones of Ontario. We note that we began the process with Bill 160 and then Bill 28, An Act to amend the Education Act, which was first read on June 18, 1985, and subsequently withdrawn by the present government. It is of interest that Bill 75 is almost word for word, except for one or two alterations, our proposed amendments in Bill 28.

We look forward to going through the process of clause-by-clause debate and raising the issues of concern that we as a party have with this bill and quickly bringing about its resolution so the minister can bring about third reading in the House.

Ms. Hart: I am pleased, as are my colleagues, to be involved in the consideration of Bill 75. I am particularly pleased because I am a new member of this House. This is an area in which I have been interested for many years, and I am delighted that this is one of the first things in which I can be involved. I look forward with my colleagues to dealing with it in as expeditiously and as fair a way as possible.

M. Guindon: Je veux surtout vous dire que je suis fière qu'on commence aujourd'hui les délibérations sur le projet de loi 75 et je veux profiter de l'occasion pour dire à mon collègue du Nouveau Parti démocratique que ce n'est pas la faute des Conservateurs si ça n'avance pas vite. C'est un peu aussi la faute du gouvernement et aussi la faute du comité qui était pris avec le projet de loi 30 et aussi le projet de loi sur OISE, mais finalement, on est en marche. Je veux prendre exception aux paroles du représentant du Nouveau Parti démocratique et en même temps, souhaiter bonne chance à tout le monde et essayer d'être le plus efficace possible et puis d'en finir une fois pour toute.

M. Villeneuve: Il me fait également plaisir de participer aux délibérations du projet de loi 75 qui débutent ce matin. J'aimerais aussi sympathiser avec mon collègue et voisin dans la circonscription de Prescott-Russell qui est hospitalisé en ce moment. Réellement, je sais que mon collègue Jean Poirier porte un grand intérêt au projet de loi 75 et j'aimerais poser une question, si c'est correct, à mon collègue Monsieur Allen. De quelle façon a-t-il eu des problèmes avec le Parti progressiste-conservateur?

M. Pouliot: Moi aussi, il me fait plaisir de me joindre à ceux qui collectivement, souhaitent un prompt rétablissement au représentant de Prescott-Russell. Il est un de ceux qui ont su se pencher sur les aspirations des Canadiens français évoluant à l'échelle de l'éducation dans la province de l'Ontario. Il l'a fait avec sincérité et avec intelligence, et sa participation nous manquera ce matin.

10:30 a.m.

Ayant dit cela, j'aimerais prendre les quelques secondes ou la minute mise à ma disposition pour souligner que ce n'est qu'un début. Au point de vue de l'évolution normale d'un peuple et au point de vue de ses aspirations logiques, l'autonomie à l'échelle des commissions scolaires ne devrait et ne devra jamais attendre. Notre court voyage dans la province voisine, la province-soeur, le Québec, soit à Montréal et à Québec, nous a permis de nous rendre compte, de façon directe, que les aspirations des francophones, non seulement au Québec mais aussi en Ontario, sont une chose qui devra être prise en considération. Donc, avec tout le respect que la situation commande, si je peux donner une mise en garde au gouvernement que le rôle d'exception et je parle ici de Prescott-Russell sera quelque chose qu'il faudra appuyer dorénavant. Aussitôt que les gens se sentiront à l'aise dans le format actuel.

Un simple regret, c'est qu'il a fallu attendre une décision de la cour d'appel pour donner justice à ceux qui attendent depuis longtemps, pour que ça ne se reproduise jamais. Maintenant, de façon positive, il faut dire que c'est la première fois, sans insister, qu'on nous permet d'évoluer à partir d'un texte français. On parle ici d'un projet de loi qui est quand même ambigu et difficile à comprendre. Bien, permettez-moi de féliciter les ressources du gouvernement qui nous ont permis, ce matin, d'évoluer dans notre langue maternelle.

Mr. Chairman: It is unfortunate that Mr. Poirier cannot be with us

today. He was with us through all our public hearings and provided us with a lot of insight and some entertainment as we went along. If he is feeling low, you might remind him of the spill he had at lunch one day. That might cheer him up or embarrass him, one or the other, I am not sure.

I do not know how the committee wants to proceed. I remind you we may still have the outstanding issue of Metropolitan Toronto. We have a comment regarding what should happen in consideration of this bill as it applies to Metropolitan Toronto. I should read from a memo that was distributed to you at the last meeting. It quotes remarks made by the minister with respect to Metropolitan Toronto. He said:

"In Metropolitan Toronto there exists a unique two-tier system of educational governance. Recognizing this fact, we believe that special provision may be required for the governance of French-language schools and classes in this municipality. To this end we have held discussions with those who will be affected by this legislation. We intend to continue these discussions during the coming weeks.

"At a later stage, therefore, I may propose some amendments to the bill, designed to incorporate a feasible set of governance arrangements for Metropolitan Toronto that will be acceptable to both the francophone community and the affected school boards."

On the second page, the memo says:

"The question which the chairman must decide, if amendments are proposed to the bill to incorporate arrangements for Metropolitan Toronto, is whether such amendments are directly relevant to the meaning of the bill or the result the bill is designed to accomplish. Was the bill designed to deal with the subject matter in the broadest possible terms, which could be taken to include Metropolitan Toronto, or was it designed to deal with governance arrangements for very specific areas, to the exclusion of certain areas?"

This memo is a result of a request this committee made to legislative counsel. The reason for bringing it forward at this time is that our full-time clerk, Debbie Deller, has had a request from organizations in Metropolitan Toronto, asking that they be allowed to appear before this committee. In the interim, this being the first meeting we have held, we have said no, not fully realizing that the ministry has had extensive discussions with the affected boards. I think we should have a comment from the minister or the ministry on this subject.

Hon. Mr. Conway: Very briefly, I want to again make the case that there should be no confusion or doubt as to the intent of Bill 75. As a matter of public policy for the entire province, it seeks to provide guaranteed representation, with exclusive jurisdiction over schools and programs, for the francophone minority--and, in a few cases, for an anglophone minority.

That is the intent of this legislation. I made it clear from the very beginning that we intended this to be a province-wide initiative.

Obviously, however, Metropolitan Toronto was a special situation by virtue of the two-tier school organization that has long existed. We were most anxious to develop, in consultation with the community, a mechanism that would address the unique circumstance in Metropolitan Toronto.

It is very important to state this view clearly: we must proceed in a

way that does not see us silent on the subject of Metro. However, we have to recognize that the governance structure here in Metro, because of its two-tier nature, is different from the rest of the province.

In recognition of that special reality, in so far as existing governance was concerned, we indicated early on that there would be a genuine effort made to see how the Metro Toronto situation might best be addressed. I know the committee heard representations from, among others, the Metropolitan Toronto School Board, whose advice the ministry listened to very carefully.

I want to repeat that the intent of Bill 75 is very clear: there must be guaranteed representation for the francophone minority with respect to its schools and programs, and that representation must have exclusive jurisdiction over those schools and programs.

We certainly intend that to apply in Metropolitan Toronto, but the application of that principle there must recognize the unique governance structure that exists in the community.

Mr. Chairman: Any comments on the points raised by the minister?

Mr. Allen: When we were first introduced to this project, it was unfortunately rather late in the day. It was impossible for groups, either in the French community or among the boards, to react to it with full knowledge of all the implications and details that surrounded the proposal. In that sense, this committee has not had the benefit of the representations it had with respect to other aspects of the bill.

None the less, a legislative initiative should be taken at this time with respect to all the other boards in the province outside the Ottawa-Carleton area, where what is happening is quite clear. To leave the city of Toronto up in the air would be a considerable mistake.

There has been a great deal of consultation on the issue, and some disagreement, both in the French community and among those who attend the various French schools in Toronto.

10:40 a.m.

It would have been preferable for us to have had that time available to listen to everyone and draw our own conclusions in committee. However, I am very much impressed with the need to move ahead with the whole project, and the need for that part of the bill to be at least consistent with the overall thrust of the original bill we had before us.

The degree of consultation that has gone into the matter should make it possible, when we come to that part of the bill, to have some substantial presentation as to the nature of this structure. The amendment as framed in the legislation says a great deal about what the obligations of the French-language education council in Toronto will be. It does not tell us a great deal about what will be provided to that board. It may be that should not be in the legislation, but it would be useful for this committee to know precisely what kinds of resources the new French-language education council in the city of Toronto will have at its disposal and whether it will be possible for it to maintain for those students the level of service they enjoyed under the previous arrangements.

With that said, my own conclusion with respect to the issue raised in

the Clerk's office is that we should consider this part of the bill consistent with the legislation as a whole, and we should proceed with it in the time at our disposal.

Mr. Davis: Mr. Chairman, could you clarify a couple of things for me? I apologize that I was not able to be present last week.

Regarding the information we received, is the legislative clerk saying that the proposed amendments to the Municipality of Metropolitan Toronto Act, in which the francophone community will have jurisdiction, are not legal? I am not sure what the intent of this letter is.

Mr. Chairman: Can someone help me with that?

Mr. Revell: Strictly speaking, I do not think it is an issue of law. The internal rules of the House deal with procedural matters. Some things are in order, and some things are out of order. We went through this in Bill 30, when a number of issues were considered to be out of order. It has to do with whether the motion proposed is within the scope of the bill as anticipated at second reading.

Second reading is an agreement to the principle of the bill. After that, you are amending the bill within the guidelines approved at the approval-in-principle stage.

I am not the author of the letter, so I do not know what led to its preparation. There is a reference in it to my colleague Mr. Tucker, who was legislative counsel responsible for this bill. I do not have background on the particular memo, but it is quite clear that the issue is whether adding references to French governance in the schools of the Municipality of Metropolitan Toronto is beyond the scope of the bill.

It is not a legal issue within the normal sense of lawyer's law. It is a parliamentary procedural issue to be decided, in the case of a committee, by the chairman on the advice of the members. This is what we are going through right now, a discussion of the principles that underlie it. Then, depending on the chairman's ruling, it is open to the committee to decide the issue either way, for or against, and the ultimate disposition. Does that answer the question?

Mr. Davis: It helps a bit. Mr. Chairman, could you inform me how this request came about? Who initiated it? Who raised it?

Mr. Chairman: It was raised in committee. I would not be surprised if it was I who raised it. As I recall, the reason it was raised was that we were asked to hear various groups from Metropolitan Toronto, and we excluded them at the time because the bill did not apply to them. We reviewed the minister's statement and thought that at some point he would bring in the Metropolitan Toronto amendments. We asked them to wait until such time as the minister came forward with his amendments as they applied to Metropolitan Toronto.

We then had requests from various organizations in Metro to come before us. Since the committee was not considering Bill 75 at the time, we asked that those organizations put their concerns in writing. They did not wish to do that but wished to appear before the committee. That is about where we are at present.

Mr. Davis: Did the Metropolitan Toronto School Board not make a presentation to us? Am I correct?

Mr. Allen: Yes.

Mr. Davis: Am I not correct that one or two delegations from the Toronto Board of Education made a response to that proposal?

Mr. Allen: Three representations in all said something about the proposal. The problem the chairman was seized with in the first instance was that it was not a formal part of the bill; second, it came at such a late date that it was not available for general evaluation by any of the groups other than the originating body, the Metropolitan school board.

Mr. Davis: Besides the Metro board, several groups--I am not sure how many--came and spoke to that item. Somehow, it was dispensed. Somebody had it to be able to respond to it.

I understood that the minister and his staff reached an agreement with respect to the governance of French education in Metro. If I am not wrong, these are almost the amendments in the paper. I assume that you discussed this with the representatives of the Metro board.

Hon. Mr. Conway: I am going to ask Mariette Carrier-Fraser, the assistant deputy minister, and Bill Mitchell, both of whom were extensively involved in those discussions, to comment.

I have two things to say. First, everyone should know that the basic principles which underlie Bill 75 apply to Metropolitan Toronto. There ought to be no confusion about that. The principles of this bill apply to Metro in the amendments we have introduced.

Second, the answer to Mr. Davis's point is that we had a lengthy discussion. At the ministry level we profited extensively from that dialogue. I was told very early on that we should be prepared to recognize the special situation in Metro and try to work out, if we could, on a consensual or consultative basis, a mutual solution as agreeable to Metro as we could find.

I am going to ask Mariette Carrier-Fraser to comment further on the kind of discussions that took place and with whom.

Mrs. Carrier-Fraser: After the bill was introduced in December, we started talking with the Metro board. The minister indicated in his statement that he would be looking for a unique solution to the Metro situation, so we started discussions with the Metro representatives and also with the administrators from the various boards, who kept the trustees informed of the process. That went on until the Metro board came to the committee with its proposal in March or April. We had started consulting with them even before their submission to the committee.

10:50 a.m.

The three boards involved, North York, Toronto and Scarborough, were aware of what was going on and they supported the principles behind the Metro proposal. The submission they brought to the committee was then given to all the members of the French-language advisory committee, the elected members of the French-language community, for their reaction and support.

In turn, the ministry officials met with, not the representative of the French-language advisory committee, but all the French-language advisory committee members at a general meeting to give them the general thrust and the direction in which we were going. They supported the principles, but we met with them a second time, as well as with elected trustees such as John Tolton and Penny Moss, so they could have more details on the proposed amendments to ensure governance in Metro. There were conversations back and forth.

The general support of the community is there, based on the consultation we have had. This model was developed jointly by Metro representatives--by that I also mean representatives from the affected boards--and the ministry. There are some problems here and there within the French-language community, but in general, the principles and the amendments we are bringing forth are supported. I do not think there is anything else I need to add.

Mr. Chairman: When we met last week and you were with us, we asked about formal acceptance of your proposals by the school board. Were you able to get that?

Mrs. Carrier-Fraser: No. The Toronto board had a formal meeting a few weeks ago, and we have not received in writing at the office the motion they passed supporting the amendments.

Hon. Mr. Conway: It is important for me to say that on the basis of my discussion and information, the Metropolitan Toronto School Board will be most anxious that the legislation deal with Metro and that Bill 75 speak to Metro. My sense is that they would be pleased, speaking in general, with the proposal that is incorporated in these amendments. Among other reasons, it is very much their suggestion in significant measure.

Mr. Guindon: If it is a unique situation for the Metro board, and it seems to me it is obvious it is a unique situation for Ottawa-Carleton, for whom are we doing Bill 75?

Hon. Mr. Conway: It is important to note two things in this regard. First, Metropolitan Toronto is unique, as the member for Scarborough Centre (Mr. Davis) has so eloquently and frequently put to me and to others, in the sense that it has a long-established, two-tiered system of governance. We have to take that into account when going about any discussion on so-called French governance.

Second, as a matter of policy, we are saying we are prepared as a government to create a French-language board for the national capital area for 1988. That has been set out clearly in the statement I made in the House on December 12.

Coming back to Metro, it is very important that everyone understands that these amendments, as they relate to Metropolitan Toronto, incorporate all the principles that would apply in Geraldton, Longlac or Hamilton-Wentworth. They are designed to take into account the two-tiered structure that already exists in Metro but does not exist in the rest of the province. You must know that the principles of the bill apply to Metropolitan Toronto as they do elsewhere. The difference is simply a recognition that they will attach to an existing structure of governance that is two-tiered.

Mr. Davis: I understand you had extensive consultation processes with the Metro school boards, the six or seven area boards, and it appears you also had a fair amount of discussion with members of the French-Language

action committees of the boards that have them. From the conversation we just had, it appears the members of FLAC who are the representatives of the francophone community have said there may be one or two small adjustments, but other than that, they have no concerns with the proposals put forth by this government.

Hon. Mr. Conway: Generally speaking, there is not unanimous agreement--and I do not want to leave that impression--but there is quite a high degree of acceptance for the amendments as proposed in Metropolitan Toronto. Further, there is quite a desire that they be incorporated in the legislation so we can proceed in a way that does not leave the Metro scene unaddressed.

Mr. Davis: Did the minister receive any comment from any other organization such as l'Association canadienne-française de l'Ontario or anybody else with respect to the Metro scene?

Mrs. Carrier-Fraser: Not formally. I have had phone calls, yes, and I have also heard from the conseil de planification, the body which incorporates all the representatives from other boards outside of the Metro area. It was also supportive of the amendments.

Hon. Mr. Conway: In some of the other amendments, you will see the effort we have made, with the help of the committee and many in the community across the province, to ensure this very complex legislation will respect local and regional realities and administrative concerns. Earlier on, I indicated that a good number of these amendments you are going to be asked to consider have arisen by virtue of another consultation that has taken place with school administrative officials who have said: "Listen, you have to make this work. We know what you want to do," but I think they would argue, "changing X or changing Y would be more helpful in making the process work more effectively."

We worked over many weeks and many months. I particularly appreciated the contributions of the member for Stormont, Dundas and Glengarry (Mr. Villeneuve) or the member for Cornwall (Mr. Guindon) or the member for Lake Nipigon (Mr. Pouliot) with respect to the mechanism for representation on either the interim councils or the longer-term sections.

I want to repeat something that I have said on many other occasions. I am anxious that this work; that the principles be incorporated but that the application respect local realities. With your help, we have made quite a number of changes that will make this work better in a variety of Ontario communities.

That is not to say we have it all or that it is perfect. I am sure it is not, but I think the Metro situation has to be understood in the context of a commitment I made a year ago, to try to see whether we could devise a better way in some areas, taking into account that local reality. Certainly Metropolitan Toronto was different because it had that two-tiered situation, and we recognized that from the beginning. I hope I never left the impression that the principles that are basic to Bill 75 would not apply to Metro.

Mr. Davis: It appears to me that when we had the public hearings, particularly in the Ottawa area, my colleagues and I mentioned on several occasions that the Metro situation was unique and had to be dealt with in a unique and different way as did Carleton and Ottawa, as you indicated, with what would appear to be the first integrated school board.

In the process, it is too bad that we could not have recognized other specific areas that had concerns such as Prescott-Russell for one, which probably is unique in its own history. It probably will have to be looked at, if not now, at least in the very immediate future to deal with some pretty difficult situations and some dislocations that the residents, the students and parents have said they do not want to happen. I reiterate that I am sorry we did not look at that as well.

I have no problems after hearing that the consultation that went on with your officials in respect to the boards of education that make up the Metro family and FLAC, which are the representatives of the francophone communities, although it may not have been as formal as it sometimes is.

How many people wanted to speak to us on the Metro situation? Do you have any idea?

Mr. Chairman: I do not. No. There were quite a few requests to the clerk. Unfortunately, she is on holidays.

Mr. Davis: I have no problem incorporating and dealing with it as we go through the amendments.

11 a.m.

Mr. Allen: As I indicated, we are quite prepared to proceed with the bill with this inclusion in it. I think it is appropriate to do so.

I would like to add to my earlier remarks that the concerns about what has developed probably cluster around three central points. They derive from various individuals who have had long-standing relationships with the development of French education in Toronto and from some of the parents' groups attached to one or the other of the units or schools in question. It is only fair and honest to recognize those concerns.

One is that the proposal appears to have very strong support from people who were not notable in the past for showing their enthusiasm for French education in Toronto. One board in particular could be referred to, as well as a few individuals at another board, who are now very strong partisans of this initiative. That aroused some people's suspicions in the first instance.

Second is the question of resources. Is it going to be possible to mount a French-education council for Metro which will have the resources necessary to maintain the level of education to which the children have been accustomed?

Third is the whole concern about whether this is going to be a stopping or starting point. In that respect, much of the concern has issued around whether this is the beginning of a move towards a much larger regional board in the area and whether there can be some commitments in that direction.

All of us recognize those as very legitimate and fundamental concerns that all of us want to address. I hope it will be possible for us to address them through the proposal that is in the bill and through some other initiatives the ministry may be prepared to take now or in the very near future and with respect of which we will want to press the ministry.

Hon. Mr. Conway: If this consensus carries, as I hope it will, when the time comes to discuss the Metro amendments, we can entertain the very questions Mr. Allen has quite understandably put and in which Mr. Davis has also indicated an interest.

Mr. Chairman: I have listened to the arguments regarding this matter. I regret that we did not have these amendments sooner and that we did not allow for a full public consultation on the matter, if that is what was requested by interested groups, those in favour and those opposed. However, based on the minister's statement, which I read into the record at the beginning, I think we should proceed with the bill, which would incorporate Metropolitan Toronto. I am open to a challenge on that if the committee so wishes.

Mr. Allen: There is none from this quarter.

Mr. Chairman: Mr. Newman, would you like to challenge that?

Mr. Newman: No.

Mr. Chairman: The minister has suggested the technical amendments might be accepted by this committee.

Hon. Mr. Conway: Committee members will notice in their package that we marked the policy matters with a "p" and the technical amendments with a "t" in the upper right-hand corner. In some cases they will see lengthy paragraphs. Within those, we further identify the "t" or the "p". If you are wondering what the little notation is, it is simply to make it a bit easier to tell which is which.

Mr. Chairman: How does the committee wish to proceed?

Mr. Davis: Since I have gone through this once, my colleagues and I will be requesting that we go through it clause by clause, whether it is policy or technical. The minister knows that some of the technical information before us has implications. We have questions on the technical areas that we would like clarified.

Again, I am sorry I was not here when you went through it, but we have discovered a number of concerns that we would like to raise as we go along. We would prefer to do it clause by clause.

Mr. Allen: I would prefer just to pass the amendments, and look at policy items if there is substantial debate. If there are objections to that, however, we can proceed clause by clause.

Hon. Mr. Conway: You have two packages. You have the package of amendments that will be tabled by the member for York East (Ms. Hart), but to help the process along, you also have a working document. I hope it is not too confusing, but I believe you will find that the working document is a little more helpful.

The working document has three sections. The left-hand column shows the bill as written; the middle column shows the proposed amendments, and the right-hand column provides brief explanations of what the amendments intend.

Mr. Chairman: I presume, that we will go through the bill section by section. If there are any amendments, they will be discussed at the time.

The first question is whether we deal with the preamble suggested by Dr. Allen first, or later.

Mr. Allen: I am in your hands in that regard. I gather there are two

distinct ways or traditions or handling preambles and final matters in legislation. One is to leave them until the very end, and the other is to treat them at the beginning, whichever you feel more comfortable with.

The preamble I have proposed simply sets the bill in a certain context. It recognizes the principles towards which you are moving. If we are all agreed on that, I would like to discuss that briefly, and get on with it.

Hon. Mr. Conway: I would like to look at the preamble a little bit further. There may be one or two things I might like clarified, so if we could just come back to it, Dr. Allen, that would be a little more helpful.

Mr. Chairman: Is that agreed?

Agreed.

On section 1:

Mr. Chairman: Ms. Hart moves that clause 258(1)(a) of the act, as set out in section 1 of the bill, be struck out and the following substituted therefor:

"(a) 'board' means,

"(i) a board of education the members of which are elected under the Municipal Elections Act,

"(ii) a county or district combined separate school board,

"(iii) the Metropolitan Separate School Board, or

"(iv) the Windsor Roman Catholic Separate School Board."

Any discussion on this?

Mr. Davis: I would like a point of clarification from the minister or the officials.

The removal of the exemption for Metro boards of education makes the amendment concerning the French-language advisory committees applicable to the FLACs of these boards. Does this simply mean that the new FLAC guidelines are applicable to all boards, or only those boards that meet the qualifications?

Hon. Mr. Conway: Only those boards that meet the qualifications.

Mr. Davis: Second, the removal of the words "Roman Catholic" does not occur throughout. The Windsor Roman Catholic Separate School Board remains as such.

Mr. Revell: That is its proper name.

11:10 a.m.

Hon. Mr. Conway: That is right. We have simply made the language consistent there, Mr. Davis. When we refer to the Windsor Roman Catholic Separate School Board, that is its legal title. By removing the phrase earlier, simply taking out the words "Roman Catholic," we make it consistent with the language elsewhere in the act. We do not take it out of Windsor Roman

Catholic Separate School Board because that is its legal name.

Mr. Davis: May I ask a question for clarification? If school boards, as I hear they may be doing, are now going to call themselves the Roman Catholic School Board of whatever county or city it is, rather than referring to themselves as the separate school board, will they be allowed to do that, or will you have to make these exceptions all the way through the act?

Hon. Mr. Conway: My officials tell me the name will remain as it is now and any desired change will have to be legislated.

Mr. Davis: Will it be legislated?

Hon. Mr. Conway: I have not received any requests. What we want to do is make the language consistent with the language elsewhere in the Education Act. It is merely technical, in the interests of consistency, and it does not apply to the Windsor Roman Catholic Separate School Board because that is the legal name for that board.

Mr. Guindon: This is mostly an insurance question. Under the Municipal Elections Act, is the French-language advisory committee or comité consultatif de langue française covered?

Hon. Mr. Conway: Correct me if I am wrong, but I remember the mandates for those councils are not a matter of the Municipal Elections Act but rather the Education Act.

Mr. Steele: The French-language advisory committees are not elected during the municipal election process. Therefore, they are not covered in the Municipal Elections Act.

Mr. Guindon: Could there be a challenge from a board which did not want to accept a FLAC or CCLF group?

Mr. Steele: No.

Mr. Guindon: As long as they are not elected under the Municipal Elections Act.

Hon. Mr. Conway: That is right. The requirement is a function of the Education Act, not the Municipal Elections Act. However, it is clearly a requirement that the boards have to accept the provisions and sanctions of the law, in this case the Education Act.

Mr. Guindon: I am a little hard of understanding sometimes. What was the purpose again for removing the words "Roman Catholic?"

Hon. Mr. Conway: It is for consistency; to ensure these amendments are in a language that is consistent with the remainder of the Education Act.

Mr. Guindon: In Bill 30, you mentioned Roman Catholics.

Mr. Revell: The expression that is used throughout the act with respect to county or district combined separate school boards is as set out in the proposed subclause 258(1)(a)(ii). "Roman Catholic" does not modify the expression "separate school board" throughout the rest of the act.

You are right about Bill 30 using the expression "Roman Catholic" as a

modifier. It is a specifically defined term in that bill, so the meaning is slightly different in that part of the Education Act. This is the way it should be for the remainder of the bill.

Hon. Mr. Conway: I may need some help on this. The member for Cornwall is quite right about the nomenclature of Bill 30, but remember, in Bill 30 we provided for the situation where the Roman Catholic school board is a county or district combined separate board that elects to offer a secondary program, and it is defined in the bill and now in the act as that specifically.

Mr. Revell: If it is the definition that was added to section 1 of the Education Act by Bill 30, the expression there is, "'Roman Catholic school board' means a separate school board that has made an election under section 136a or 136f that has been approved by the minister." You will note that it does not say "means a Roman Catholic school board;" it says "means a separate school board."

Mr. Guindon: It could be separate--

Mr. Revell: It means a separate school board.

Mr. Guindon: A separate Protestant school board.

Mr. Revell: It has to be a Roman Catholic school board because later on in section 136a, we deal with the fact that the Roman Catholic has a different set of definitions. It is not a Protestant separate school board.

Hon. Mr. Conway: It was just for consistency in the act that the amendment was entered into.

Motion agreed to.

Mr. Chairman: Are there any further amendments to section 1?

Mr. Davis: I do not have an amendment. I am trying to figure out where one would come in. We will have our amendments on Monday. There are not many.

One of the concerns we have had may come under Mr. Allen's amendment. I bow to your advice, Mr. Chairman, about where we would put it because we would like to stand it down if it is not covered completely.

As you know, as we went through the hearings concern was expressed--individuals have said it cannot happen, but I am not so sure it cannot. As I read the preamble and the definition of a French-speaking person, one of the concerns the school boards have and which I have expressed is that this bill should not apply to French immersion students or their parents.

I am not sure that Mr. Allen has this completely covered. He tried to address it in one of his amendments. If it is not completely covered so that they are exempt from this bill, and a tremendous controversy could develop if they were allowed in, we will be making an amendment that will state the bill is not applicable to those students. I want to know where that would go in. Would it go in here or later? I do not want to pass the section without leaving it open.

Mr. Allen: I had intended to move only a certain number of my amendments inasmuch as time is constricted, but if we are going to get into

some of these questions--they remain matters of controversy for people--it would be appropriate for me to move the amendment I have to section 1, which tries to cover the case Mr. Davis is raising. If it is in order, I will move it now.

Mr. Chairman: Mr. Allen moves that subsection 258(1) of the act, as set out in section 1 of the bill, be amended by adding thereto the following clause:

"(aa) 'French-language instruction' means instruction in French as a first language."

Mr. Allen: It is reasonably clear in terms of precedence in the way in which part XI of the Education Act is applied that there should be no controversy about whether students in French immersion programs who are taught in the French language qualify under the section. The interesting thing about the section is that nowhere does it define French-language instruction as being exclusively first-language instruction applying only to those for whom French is the maternal language or those who come under the appropriate section 23 of the Charter of Rights and Freedoms.

11:20 a.m.

It is wise of the committee to modify that introductory part of part XI, which is in section 258, so that it is quite clear and incontrovertible that French-language instruction does mean instruction in French as a first language.

Hon. Mr. Conway: I want to speak to this. I appreciate the points that have been made by the member for Scarborough Centre (Mr. Davis) and the member for Hamilton West (Mr. Allen). There is agreement on this. We want to ensure that the intent of this legislation is that it apply to French as a first language. We are using, throughout, the charter entitlement as set out in section 23 of the Charter of Rights and Freedoms. I may ask Bob Copeland or Bill Mitchell of the legislation branch to speak to this because there is a concern, Dr. Allen, that your amendment does not do what you want it to do.

There is a concern in the minds of some that there may be a constraint here as to what the charter intends. I do not feel sufficiently competent to speak to it from a legal point of view. Perhaps Bill Mitchell or Bob Copeland, or both, would care to comment on the amendment because this is an important matter.

There is no doubt in the minds of anyone here what the intent is, and it is that this apply to French as a first language. The criterion we are using in that connection is section 23 of the charter. I will admit, as I believe every member here will admit, that the language of section 23 is probably going to require some judicial interpretation, which it is almost certainly going to get.

Mr. Mitchell: We felt compelled to use section 23 of the charter as the cornerstone of our definition throughout this bill. Having done that, we felt we had to be consistent throughout. While we acknowledge there may be a slight problem with the vagueness of the wording in section 23 of the charter, that is nevertheless the way the charter is worded.

We feel the problem is overcome, primarily, because it is quite clear in the bill that the intent of the application of these provisions is to apply to

classes and programs in French-language instructional units under part XI of the Education Act. Clearly, that is exclusively French-as-a-first-language programming. Although there may be an incipient problem in the way section 23 is worded, we feel the application of it in the bill is quite clear.

One problem we might have with the proposed wording in this amendment is that it seems to restrict the wording beyond what we now have in section 23 of the charter. I am not sure where that would leave us; perhaps with some discrepancy between the wording in the Education Act and the wording in the charter, when in the first place we use the charter as our definition groundwork.

Mr. Allen: I think we are talking about apples and oranges in a sense. On the one hand, when you talk about the charter and the parts of the bill that relate to it, you are talking about the persons who qualify to enter the program. Is that not right? The range there is a bit broader than French as a first language. There are some children for whom, in the first instance, it may not have been a maternal language. By virtue of certain possibilities in the act, they found themselves in the system and therefore there is a certain qualification.

Interjection: For the purposes of the act.

Mr. Allen: The clause relating to French-language instruction deals with the nature of the institution and the instruction it provides, instruction in French as a first language. There are no concessions made in the system and in the instruction to any of those who slip through by another route under the charter. The system and the instruction are French-as-a-first-language instruction. This is what I understood that clause to address.

It seems to me that one is not being inconsistent by using the language I have used. By that token, one is not restricting the application of the Charter of Rights on the other hand. It applies to the persons who need the access as against the program itself.

Mr. Mitchell: Mr. Allen, you are absolutely correct. Section 23 does spell out those people who have certain rights to education in a minority language. We have used that statement of rights as the keystone of our definition of those to whom the bill applies. That is where one makes the transition from the people to the institutions. I do not see any disagreement between us on the principle that we are talking about here, but I am afraid this wording would create a restriction on what the charter already provides with regard to minority-language educational rights. I am afraid that might create a bit of a problem for us; that is all.

Mr. Allen: My sense is that the charter normally takes precedence. I repeat that the intent of the institution and the nature of the instruction is not to make accommodation specifically to those who come through the charter route who happen not to be of first language as a maternal language in their own homes. I do not want to debate it at length. It is obviously a matter for the committee to decide. We have heard the arguments. I am prepared to let the issue rest at this point.

Hon. Mr. Conway: This is something that we have had considerable discussion about at the legal level. I am no lawyer so I am really very much in the hands of the legal advice I have been receiving. There was the concern that Mr. Mitchell indicated. There is an agreement about what we all intend.

We think we have made it as clear as it is possible to be. There is perhaps some degree of difficulty with the vagueness of the language used in section 23 of the charter. We were most anxious to be as consistent as we could, using the charter language as the entitlement and referring to part XI of the Education Act, which as Mr. Mitchell indicated, is absolutely clear that it is French-as-a-first-language program.

Mr. Pouliot: Section 1 could mention that the provisions will not apply to French immersion. This is perhaps the intent we are debating; that is, specifically, that section 1 will not apply to French immersion as opposed to straightjacketing ourselves into the type of linguistic jargon whereby we omit people and we are restricted. I think this was the intent.

Mr. Davis: I have a couple of questions for clarification. I do not normally like to disagree with the Minister of Education (Mr. Conway) or his officials.

Mr. Chairman: You are going to anyway.

Mr. Davis: I might. They indicated that they believe the bill is worded to take care of what I believe is a very important problem; that is, a French immersion student who, as I understand the charter, can qualify to take a francophone program as a first language. The ministry official said that it looked after it. If it looked after it, why is it that school board after school board and trustee organization after trustee organization contacted us and said, "We have a great fear that this bill, as it is constructed, will allow French immersion students to make application to a French-as-a-first-language instructional unit"?

11:30 a.m.

If such a problem did not exist or was not at least perceived, then I would not have had all the phone calls I had; I am sure the minister had them. It therefore begs the question that somehow--the minister has already suggested there might be a technical problem in interpretation. He has already suggested it might have to be resolved in the courts. When we began the debate several months ago, Mr. Allen and I both asked the question. The ministry official sat there and said, "Yes, in a couple of years you are going to have a mess out there."

We are trying to find a bill that will eliminate what educators in this province perceive to be a serious problem. Minister, can we put in the bill something as simple as Mr. Pouliot suggests, that this bill does not apply to French immersion students and their parents?

Hon. Mr. Conway: My view is that the way the bill now is written, it is quite clear that it applies to part XI, which is French-as-a-first-language programming. It could not be clearer in our view. We have said that we are going to use as a criterion throughout section 23 of the Charter of Rights.

I recognize, as does everyone in this room, that the language is to some degree vague. It will almost certainly give rise to challenge. There will be a judicial interpretation of the intent of that language. That is not a job we can do in terms of its interpretation. I am sure that there will be some difference of opinion from place to place and from time to time, but from the ministry's point of view, we feel that we have addressed the subject directly.

This legislation addresses itself to French-as-a-first-language

programming and the criterion that we are using is section 23 of the Charter. I do not think that we differ at all about the goal or the intent. We think that with the amendments offered by the government, the language in the bill makes that absolutely clear.

Mr. Davis: You have an opportunity to make a choice, as you did with Bill 30. With Bill 30, you had three choices and looked at only two. With this opportunity, you have two choices. As we put this bill together, we can restrict the number of judicial inquiries and reviews that are going to occur by somehow placing in the bill--If Mr. Allen's amendment does it, I am going to support it, and if it does not, perhaps Mr. Allen will work out with me an amendment that will say French immersion students or parents do not qualify.

The bill can be challenged about whether that is legal. It seems to me that the minister has one interpretation of this bill and its impact. Educators across the province are telling us that they have some concerns because it will allow the French immersion student to access the French-as-a-first language instruction unit, be it elementary or secondary but primarily secondary, which is not the intent of this bill at all.

Hon. Mr.-Conway: I argue that the immersion students are clearly outside the scope of this bill. They are French-as-a-second-language students. This bill applies to part XI, French-as-a-first-language programming.

Your second point seems to be that there is going to be some confusion. There may very well be some confusion about entitlements if one uses section 23 of the charter. I do not think this amendment is going to address that problem.

Mr. Pouliot: I am new at this game and I beg the indulgence of the members of the committee. I will broadly summarize by saying that I am assuming the charter will rule in matters of this kind. Therefore, I wonder whether it is our duty to streamline the definition under section 23 for the purpose of the bill. Personally, I would be adamant about not endorsing that position. I do not think it is our role. It is treacherous and somewhat dangerous to do so, because we keep referring back to the charter which I assume will supersede. With respect to legality, we could be endangering the intent of the charter itself. It is not our role to streamline the charter.

Hon. Mr.-Conway: Coming back to the amendment that has been offered with the best of intent from the member for Hamilton West, my concern is that it introduces language that is used nowhere else in the act. The term "French-language instruction" is not used anywhere else in the act. We talk about a "French-language instructional unit," which is the unit of instruction under part XI of the act. The concept to which the honourable member's amendment applies is incorporated in the act. The difficulty I have with this is the language.

Mr. Chairman: Legislative counsel might make a comment on that.

Mr. Revell: I did a quick runthrough of section 258 and, as Mr. Conway has just said, it uses language that is not used elsewhere in the act. I cannot find the expression "French-language instruction" used in section 258 of the act, and it strikes me we are defining a term that just does not exist. That is not to say the idea cannot be incorporated by some other method in the act, but I submit that doing it by way of definition is not the appropriate way to deal with it.

Mr. Allen: This is becoming a more protracted discussion than I had anticipated. On the first point of new language, if you do new things in education, you involve new language. There is no other way you can do it. The moment part XI got into the act, there was new language. You could not help it because you were talking about new things.

Second, there is a definition in the introductory part of part XI, clause 258(1)(b), which does describe a new term, "French-language instructional unit." Up to that point in the act there is no such term, and now there is a term that was introduced at some point into the act.

First-language instructional unit presumes some understanding of what French-language instruction is. What has happened in Ontario is that two types of French-language instruction have evolved. One is French immersion, which is not for Franco-Ontarians and those of native French expression. There is also French instruction for those for whom it is fundamentally a matter of maternal tongue.

It would be a very tidy thing in this part of the act to introduce what I have suggested, namely, to describe in the first instance what French-language instruction is. Then you know secondarily what it is you are talking about when you talk about a French-language instructional unit. It makes it clear at the very beginning that it is not an institution devoted to French immersion for anglophone or nonfrancophone students.

One can either accomplish it by adding this amendment I have or by tacking something on to the end of clause 258(1)(b) in which one says a French-language instructional unit means a class, group of classes or school in which French is the language of instruction, while French-language instruction means instruction in French as a first language. That makes it very clear what type of institution we are talking about. We are not talking about immersion institutions. We are talking about French-as-a-first-language institutions and the community for whom they are available.

In the next part of that section, you go on to talk about what French-speaking person means in order that persons in the community may have access to those schools. There the definition from the charter is used, and the charter allows for a certain latitude because, obviously, there are other people who have some claim to attend those schools and to take part in French-as-a-first-language instruction, as distinct from French immersion.

In my head, I do not see the problem that is created by following that route, but perhaps there is further wisdom that can be conveyed to me on that point.

11:40 p.m.

Mr. Revell: I did not mean to imply, Mr. Allen, that the goal you seek cannot be achieved. There are other ways of achieving it, but subsection 258(1) of the act contains the definitions. The terms in quotation marks are the very expressions used within a section, part, or whatever, of an act.

To define French-language instruction where the term is not used is not the way to achieve your goal. I am not going to comment on policy, one way or another, but the alternative you put forward--not setting out a definition, but putting it somewhere else--would be a way of achieving that goal. The term "French-language instruction" is just not used anywhere in section 258. There

are ways of achieving your goal, however, and it depends on how the committee wants to approach that.

Hon. Mr. Conway: I do not think there is any division of opinion as to what we want to achieve. As far as the government is concerned, we think it is there now, but there will be differences of opinion which are ultimately going to be adjudicated by some court. We will build out of those judgements a greater clarity, to the extent that language is never absolutely clear to all concerned. Perhaps, for the time being, we can set this amendment aside to see whether some genius in this room, individual or collective, can resolve the difficulty.

I have the problem that has just been mentioned. When we talk about introducing language, you are quite right. When part XI was introduced into the Education Act, a whole new vernacular was required. It has been defined, and spoken to, throughout the remainder of the act or elsewhere, where it is relevant. The concern is when you define something, it has to be supported elsewhere in the act. Otherwise, it is an appendage that is not very helpful or clear.

Mr. Allen: Taking account of all that, it seems to be most appropriate to modify the definition of "French-language instructional unit" rather than to introduce a new phrase, "French-language instruction."

In that respect, Mr. Chairman, perhaps I could simply move my amendment in such a fashion that it applies to the phrasing of clause 258(1)(b), and we could come back with a language that modifies the meaning of that unit.

Hon. Mr. Conway: I was just asking my officials. Perhaps we can take the spirit of what we have heard here and set this aside for the time being. We can come back to it later today, once we have an opportunity to look at the options. Dr. Allen's intentions are pretty clear.

Mr. Guindon: We have a few more questions.

Mr. Villeneuve: I have a problem with that too. I think it is a good idea to shelve it or at least get a little more clarification. I would not like to exclude all those who are in immersion programs. Would you exclude them from French as a first language if they went into an immersion situation and then wanted to step up?

Mrs. Carrier-Fraser: French immersion would not fall under this bill, but if pupils currently in French immersion programs wanted to register in French-as-a-first-language classes, they would have to go through the admissions committee. It does not prevent them from being admitted to a French-as-a-first-language school, but they do not have the right to attend a French-as-a-first-language program under this bill.

Mr. Villeneuve: That is my concern. Another one is that many families in my area came from Switzerland, and French is their first language. Where would they fit in?

Hon. Mr. Conway: The entitlement is that of section 23 of the charter. That is what we are using.

Mr. Villeneuve: Is that sufficiently broad to let them in?

Hon. Mr. Conway: That will be subject to some interpretation, but

that is the criterion we are using as the basis for the rights under this bill.

Mr. Villeneuve: Thank you. It is confused in my mind, and I would like to see more clarification.

Mr. Guindon: I want to keep going in the same vein as my colleagues. We also have in our system, at least in our area, a 50-50 program which affects a lot of young people too. With regard to Mr. Allen's amendment, I am not too sure you are not hurting these students if ever they want to go into a full French program. I am not sure you are not shutting them out.

Mr. Allen: As the assistant deputy minister pointed out, there is a route by which they may apply. The fundamental question has to do with the matter of right. Who has a right to go to these schools? This is a school system designed specifically for those in the first instance who are French-as-a-first-language citizens.

If there are special circumstances others wish to plead that would give them access, they have a route by which to make that application and to be judged accordingly as to whether they can handle French-as-a-first-language instruction, which is quite different from French immersion instruction.

Hon. Mr. Conway: All this turns on the definition we have used, which is the charter definition in terms of entitlement by right.

Mr. Guindon: What about new Canadians?

Hon. Mr. Conway: If they meet the criterion defined by the charter, they have an entitlement as a matter of right.

Mr. Guindon: What if they clearly do not?

Hon. Mr. Conway: If they do not, they do not.

Mr. Guindon: Are you preventing, let us say, a--

Hon. Mr. Conway: There will be extensive French-as-a-second-language programming throughout the province and the country. That is the entitlement, but this legislation is intended as French-as-a-first-language programming. All or many of you will have heard the counter-argument from French-as-a-first-language students, parents and others, who worry that pressure from French as a second language may be affecting programming of French as a first language.

Bill, do you want to comment?

Mr. Mitchell: At the risk of creating more confusion, let me try to explain where I see the confusion arising. I sympathize with those of you and those of us who are labouring under this confusion, because it is not easy to sort out. I fully sympathize with Dr. Allen's notion, but I am not sure it is an easy nut to crack.

By virtue of the Education Act, there are two languages of instruction possible in Ontario schools, English and French. What you end up with are schools and classes where English is the official language of instruction and schools and classes where French is the official language of instruction. That is language of instruction in one sense.

11:50 a.m.

Then you have French used as a medium of communication in the classroom where it comes awfully close to being a language of instruction, but it is not a language of instruction in the sense that you have a school where French is the official language of instruction. The reason is simply that a French immersion program is theoretically and technically a French-as-a-second-language program. All you have done is to take French-as-a-second-language program and intensify the exposure to French to such an extent that practically everything that happens in the classroom for most of the day is in French. You are simply using the subject of French as a means of communication because it is an immersion program.

If you take one step back from that situation and ask yourself, "What is the official language of instruction in the school in which that French immersion program is taking place?" you will come up with the answer, English. It is a French-as-a-second-language program taking place within a context where English is officially the language of instruction. That is the essential difference between using French as a medium in the classroom on the one hand and, on the other hand, having French as a first language as the official language of instruction in a school or a classroom.

I know it is a very fine difference, but it is an essential difference to keep in front of us as we try to fight our way through this.

Given that context, if you refer back to section 23 of the charter, you begin to recognize where the problem comes from. Section 23 of the charter says, "Citizens of Canada...who have received their primary school instruction in Canada in English or French." Parents of immersion youngsters will say, "My youngster is receiving his or her instruction in French." You say: "Yes, but it is an immersion program. It is a French-as-a-second-language program." They will answer, "Yes, but section 23 of the charter says 'in French'." That is where the difficulty is. There is the technical distinction between the two, which the wording of section 23 of the charter does not seem to recognize.

Hon. Mr. Conway: Legislative counsel tells me there may be some real possibility of incorporating the concerns that have been raised. We will need a little time to do that.

Mr. Chairman: I am advised that we need to stand down your amendment and we should proceed to section 4 of the bill, standing down sections 1, 2 and 3 for the time being.

Hon. Mr. Conway: Can we agree that the remaining aspects of this do not cause any concern?

Mr. Chairman: We are simply considering Dr. Allen's amendment at the moment, so we will come back to section 1.

Mr. Allen: Yes. I have another amendment on that section, but it raises mainly the same question, so I will leave it.

Mr. Davis: I have a question, Mr. Chairman. Do you have a time when we will be breaking for lunch? I do not know about my other colleagues, but I have an appointment and I wonder if there is a time we can mutually agree on. Have we agreed to a set time?

Mr. Villeneuve: If the bells ring, we have to leave.

Hon. Mr. Conway: I am in the committee's hands. I do not want to put undue pressure on individuals, but the only point I want to make again is that I am quite anxious to move along and to make myself as available as possible to expedite this process, but it is very much in the committee's hands.

Mr. McKessock: Is the vote at 12:30?

Hon. Mr. Conway: I never know. It is a private members' ballot item.

Mr. McKessock: They are asking to extend it to 12:30.

Interjection: It was not agreed to, was it?

Mr. Davis: Not to my knowledge.

Mr. Chairman: I am sorry. I missed the conversation.

Mr. Davis: I was asking what time we were going to break. I do not know about other members, but I have an appointment and I do not want to miss it.

Mr. Chairman: There is a vote too, I guess.

Mr. Dean: Do you want me to find out when the vote is?

Mr. Chairman: Please.

The bells will ring at 12 noon.

We will stand down up to section 4 for the time being. Ms. Hart, you have been doing the motions up to date. We have a three-pager here.

Ms. Hart: I will take a deep breath, Mr. Chairman. Are we prepared to proceed?

Hon. Mr. Conway: It is technical.

Mr. Chairman: Ms. Hart moved that section 4 of the bill be struck out and the following substituted therefor:

"4. (1) Subsections 262(1), (2) and (3), subsection 262(3a), as enacted by the Statutes of Ontario, 1982, chapter 32, section 63, subsection 262(4), as amended by the Statutes of Ontario, 1982, chapter 32, section 63, and subsection 262(5) of the said act are repealed and the following substituted therefor:

"(1) A board by resolution shall establish a French-language advisory committee and provide for the holding of elections of members of the committee if,

"(a) the board does not operate a French-language instructional unit;

"(b) the board enters or has entered into an agreement or agreements with another board or boards to enable one or more resident pupils of the board to receive instruction in one or more French-language instructional units operated by the other board or boards;

formal election taking place in 1988. There, we are saying that you refer to the existing French-language education council or French-language advisory committee and give it the power to determine the electoral areas for the formal election in 1988.

Mr. Davis: What does this one do?

Mr. Steele: This is where you have the informal election, the town hall type of election. It is not taking place at the time of the formal or regular election, as we call it. In this case, where the board has to elect a new FLAC, we ask it to consult with the existing FLAC on what area should be used for the representation of the new--

Mr. Davis: Change the areas?

Mr. Steele: Yes.

Mr. Davis: Mr. Chairman, I have several questions.

Mr. Chairman: I believe we have just five minutes to get to the House. We will resume our clause-by-clause consideration right after question period and will proceed until 6:30 p.m. unless interrupted by bells.

The committee recessed at 12 noon.

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Government
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STANDING COMMITTEE ON GENERAL GOVERNMENT

EDUCATION AMENDMENT ACT

THURSDAY, JULY 3, 1986

Afternoon Sitting



STANDING COMMITTEE ON GENERAL GOVERNMENT

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Substitutions:

Allen, R. (Hamilton West NDP) for Ms. Bryden

Davis, W. C. (Scarborough Centre PC) for Mr. Cousens

Villeneuve, N. (Stormont, Dundas and Glengarry PC) for Mr. Pollock

Clerk: Deller, D.

Staff:

Revell, D. L., Legislative Counsel

Witnesses:

From the Ministry of Education:

Conway, Hon. S. G., Minister of Education and acting Minister of Government
Services (Renfrew North L)

Carrier-Fraser, M., Assistant Deputy Minister, Franco-Ontarian Education

Steele, L. W., Education Officer, Legislation Branch

Mitchell, W. T., Director, Legislation Branch

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, July 3, 1986

The committee resumed at 4:14 p.m. in committee room 2.

EDUCATION AMENDMENT ACT
(continued)

Consideration of Bill 75, An Act to amend the Education Act.

On section 4:

Mr. Chairman: Can we come to order, please. When we stopped for lunch, we were dealing with a rather long amendment to section 4. Mr. Davis indicated at the time that he had further questions on this section.

Mr. Davis: Most of this is for explanation. I was on section 9. I had some others but this was on section 9. My understanding is that the new French-language advisory committee will converse with the old FLAC to decide the jurisdiction of the areas they will represent. Am I correct?

Mrs. Carrier-Fraser: Let us say that there is already a French-language advisory committee in existence in the Halton Board of Education. Before the election is held for the new FLAC, the board will consult with the French-language advisory committee that is in place right now to decide which section of the area will be divided and how it will be divided.

Mr. Davis: I understand that. Now, when you go to page 18--and I want to jump because it will assist me in how we deal with this--the section on page 18 is new to me. I would like some explanation.

The explanation on subsections 277i(1) to (11) reads: "This section has been amended so as to give members of the FLAC, FLEC or FLS, as the case may be, the power to determine the electoral areas to be used, on the election of members of an FLS. The number of members to be elected for each electoral area will also be determined by the FLAC, FLEC or FLS."

How is it currently done? What makes the determination of a trustee's area of responsibility? How is it done now?

Mr. Steele: It is done by the clerks following sections 59 and 113 of the act for boards of education. For the election of a FLAC at present, the current FLAC members advise the board on the division of the area of jurisdiction of the board for the election of members for the new FLAC to come on in the fall.

Mr. Davis: Let us back up. If I am correct, and I stand to be corrected, because I am not as familiar with this as I probably should be, the jurisdiction of a public or separate school trustee is now determined by an assessment and population or is it just an assessment?

Mr. Steele: An assessment.

Mr. Davis: An assessment?

Mr. Steele: Residential and farm assessment.

Mr. Davis: That determines the geographical area of a trustee's responsibility?

Mr. Steele: Not entirely. It determines how many trustees come from each of the geographical areas, the distribution of trustees. The geographical area is set by the township boundaries or by the ward boundaries within a city. The residential assessment tells you how many come from each geographical area.

Mr. Davis: How is the area of a member of a FLAC now determined under the Education Act?

Mrs. Carrier-Fraser: Through my personal experience, and I have established French-language advisory committees across southern Ontario, the way they did it was usually based on French-language population. For instance, the York Region Board of Education established its French-language advisory committee on the basis of representation of the student population and where students came from. For instance, Newmarket had a large French-language population, so a certain number of French-language reps were elected from there. Then they went to another. It was done on the basis of student population more than anything else.

Mr. Davis: When it was done, did the board approve that?

Mrs. Carrier-Fraser: Yes.

Mr. Davis: If the board did not like the jurisdiction, it could say no. There was an appeal process.

Mrs. Carrier-Fraser: Yes.

Mr. Davis: You are suggesting, and I think it impacts on section 9, that the jurisdiction of a person who is going to study in the French-language section will now be determined by the French-language section or by the outgoing FLAC committee, subject to no approval anywhere.

The reason I jump ahead is that if you pass section 9 then you cannot debate--you can, but it becomes counterproductive to debate the other section, because the other section impinges on section 9.

Mr. Steele: There is a fundamental difference though. The FLAC election is a very informal type of election and has been recommended as that over the years, whereas we are speaking in section 227i of a formal, municipal-type election.

4:20 p.m.

Mr. Davis: Not quite. Under section 9, in effect, what you are saying is that the French-language advisory committee--and this is only for FLAC. Is that correct?

Mr. Steele: Yes.

Mr. Davis: FLAC will recommend--and it says "consulted by the board." I do not know whether the board can approve or disapprove, but FLAC will then say, "This is the jurisdiction, and this is the number of French persons who will be sitting on FLAC."

When you move to subsections 277i(1) to (11), what happens is that the section is amended to give members of FLAC the power to determine the electoral areas. If FLAC establishes them in section 9, it can establish, in consultation with the French language section, the electoral boundaries that will be in effect before an election.

In your section, what happens is that FLAC or the French-language section--the French language section is not created yet, so FLAC determines what the boundaries will be, but with no criteria.

Mr. Steele: They would use the criteria of their knowledge of where the French-speaking people come from within the board's jurisdiction.

There is also the difference that in the case of the formal election under section 277i they actually must follow the electoral district boundaries. They cannot split an electoral division. In FLAC, they are not worried about that.

Mr. Davis: However, they can say, and we will use York region, because that was the example that was used, "In Newmarket, we will have four trustees because of the school population. However, Richmond Hill, for example, because of a small francophone population, will not have representation."

Mr. Steele: Sorry. They would have to make sure that all the jurisdiction of the board is covered, that every French-speaking person, every charter-23 person, regardless of where he lives within the jurisdiction of the board, has someone to vote for to represent him on FLAC.

Mr. Davis: They can come to Newmarket.

Mr. Steele: Conceivably, if they had the area for Newmarket come down as far as Richmond Hill, yes.

Mr. Davis: That is right. If FLAC makes the determination of the electoral area they will subdivide in the York region, the only approval they need is for FLAC to say, "That is it." There is no approval given by a board. There is no approval given by a municipality. FLAC simply walks in and says, "For the elections that are coming, these are going to be the electoral boundaries," and that is it. There is no recourse for appeal. There is nothing.

A public school trustee, a separate school trustee or a board cannot make that determination. What happens with section 9 is that the minute FLAC establishes the jurisdiction, it then impinges immediately on the election that will be held in 1988.

Hon. Mr. Conway: Correct me if I am wrong, but the first thing is that we are not changing the procedures for FLACs. As you pointed out in the later sections when it comes to councils and sections, we are involved in the qualitatively new world of governance, and these bodies, sections or councils make a determination on the basis of their jurisdiction.

Mr. Davis: There are now criteria in the boundaries of jurisdiction established for a public board or a separate board. It is assessment. In the section you have now, the only criteria is for the French-language advisory committee. It will really be FLAC that establishes the geographical boundaries.

Hon. Mr. Conway: This is not assessment-based and never has been

with regard to the representation. Do not forget, the basis for representation and entitlement here is section 23 of the charter.

Mr. Davis: I am aware of that. There is no appeal section in here. There is no way a board or even a member of the francophone community can appeal a decision that FLAC makes which says, "This is the geographical jurisdiction."

For example, if you want to look at York region, a French-language advisory committee could suggest that the representation out of Newmarket will be four trustees on the board. The recommendation could be that the geographical area covered by Richmond Hill will have only one. However, the people who live in Richmond Hill may say, "No, we should have two representatives." There is no process for them to have that access and to deal with that.

The FLAC committee then makes the determination where the francophone community--as I read this and I stand to be corrected--can have no input into the determination. On a public or separate board, it is done differently. I agree. They just chalk out an area and say: "That is the assessment. This is the number of trustees in the area. If you live in a large area, you fall into a ward area. If you live outside, you fall into some other type of area."

Hon. Mr. Conway: But you know, Mr. Davis, there are areas in this province under those rules. Look at the member for Lake Nipigon (Mr. Pouliot). I think of places in northwestern Ontario where that structure has left certain individuals not very happy about the result. My point is that what we are doing here in so far as the FLACs are concerned--

Mr. Pouliot: It is something the minister could take--

Hon. Mr. Conway: I am just simply drawing it to the attention of the committee that the current structure is not a perfect one. What we are doing--and I want to get back to section 4--is we are talking about FLACs. Perhaps we should come back to this later section when we get to it.

The point here with the FLAC, as I read it in subsection 4(9), is carrying forward the practice that has been in existence for some time. I will have to depend upon officials and members of the committee, but it has not, to the best of my knowledge, caused a great deal of difficulty. It has worked rather well because the members of the advisory committee were people of the community and they, by and large, knew their environments and acted accordingly.

Mr. Davis: Mr. Minister, I am not disagreeing with you, but what happens now? You are establishing a new process.

Hon. Mr. Conway: That is correct. It is governance for the minority. That is what is different.

Mr. Davis: That is not true. I am sorry. You are allowing a group of people who are not elected in a general type of regular election--they are elected in a FLAC election--to make a determination beginning now, as you create a new FLAC committee, to say, "This will be the number of trustees representing this geographical area, however big it is."

Then, when you move over to subsection 277i(1), you do not have a French-language section in place until after you have an election. Therefore,

it is the FLAC committee which makes the determination of the geographical areas. All I am saying is your process is based on some kind of population, but there is no input from the francophone community into how that determination should be arrived at.

Mrs. Carrier-Fraser: When the French-language sections are elected, the decisions, as far as the electoral areas are concerned, will not be made by FLAC, but by FLEC because its French-language education councils will be established where it operates schools. The French-language sections will follow naturally from the councils. The councils are interim measures. The sections are permanent ones. When the electoral areas are decided upon, they will be decided by trustees and not by French-language advisory committee members.

There are no areas of the province right now, where once this bill is through, a FLAC will make a decision for a French-language section because the condition is that you have a council if you operate a school. Councils are trustees, so trustees will be deciding on behalf of the French-language community, and they are elected by the French-language community to represent them on the board.

Mr. Davis: One must suppose that the FLEC committees will then somehow make some determination with their electorates on what their electorates feel before they set the boundaries, or will they simply set the boundaries because they have been elected? You see, a member of the FLEC committee gets elected in a general type of election. A member is not elected in a municipal election.

4:30 p.m.

Mrs. Carrier-Fraser: For some of them, it is a municipal election because they were elected in 1985 and they have indicated in writing that they now want to represent the French-language community. They are qualified to do so because of section 23 of the Charter of Rights.

Mr. Davis: They are elected as separate school trustees or public school trustees who have made that determination.

Interjection.

Mr. Davis: Only until 1988.

Hon. Mr. Conway: The makeup of the council will contain two types. It will have a crossover, someone who is elected at the general election who then opts to sit on the council, plus those who are elected in the special election by the francophone community to fill out the--

Mr. Davis: What I am trying to point out--perhaps I am not doing this well or perhaps you have already contemplated how to deal with it--is that it can be an elected or a nonelected person who will determine the electoral boundaries and the number of trustees in that area. The francophone community itself has no mechanism in this bill to have access to and give information on how it thinks it should be divided prior to the divisions being established.

Once they have been established, it is very difficult to unestablish them, whereas if you were establishing a brand new public board or a separate board, as you will be, there are distinct guidelines on how they are affected.

The minister is quite correct. There are some areas that believe they are underrepresented, but at least they know the guidelines.

Hon. Mr. Conway: Let us remember who is making the decision here. We did this to provide for that local or regional variation. The people who will be making these decisions will be FLACs, in the first instance. They represent the francophone community. Then there are the educational councils that are elected individuals who speak for the francophone community. Then in the final analysis, there are the sections. They are elected individuals.

You might have a problem, Mr. Davis, in the transition, and maybe we can think about this. In that period during 1986 and 1987, we are in transition. The full board will not be asked to approve what the interim educational council recommends. Let us not lose sight of the fact that the educational council is an elected body to represent the francophone minority. It is not as though it was just being recommended or done by someone without a mandate. It is in there to take into account regional realities in the province.

The francophones have indicated it will be particularly important for the councils to make a determination on the distribution of the electoral boundaries, given the distribution of the francophone population in much of the province.

Mr. Allen: There is a bit of an analogy in the Legislature voting and passing on its own boundaries. There is a community to which this group of people is accountable and these people have to return to them sooner or later for re-election. The process has its own built-in electoral appeal in that respect. Any group of trustees or any members of the council or FLAC who did not arrange representation appropriately so that members of their community were represented adequately would get their come-uppance fairly soon at the polls the next time around. They would get a lot of flak in between, if I can use that term.

My own sense is that there is no major problem. The mechanism might not be exactly analogous to what is done for the board boundaries for the election of trustees, but one has to recognize that we are dealing with governance by the French community. The French community itself is the base from which these people arise and get their mandate in the first instance, and which they have to respond to and are accountable to in the second.

Hon. Mr. Conway: If the member for Scarborough Centre (Mr. Davis) is concerned about a want of consultation, he might think about an amendment.

Mr. Davis: I understand about French governance. I understand that the public boards and separate boards will have no jurisdictionary determination. I am quite aware of that. A flaw or a weakness in the bill, which you may have addressed in some other mechanism such as the regulations or change of regulations, is that the French-language advisory committee--Mr. Allen was correct in that the francophones in that specific area, wherever it is, can say to the representatives, "We are underrepresented," but I have been around the educational cycle long enough to know that once you establish and make a determination, whether it be a program, jurisdiction or electoral boundary, it is very difficult to change it.

Not all French-language educational councils are elected, by the way, are they? Is that correct?

Mr. Allen: They are all elected in one way or another.

Mr. Davis: In one way or another?

Hon. Mr. Conway: That is correct. Remember, there are two components. There is the individual who is elected at the general election who exercises his charter right to move over, and there are those who are elected at large.

Mr. Davis: Which is really a special election.

Hon. Mr. Conway: It is a special election in recognition of one phase of transition.

Mr. Davis: When those individuals then make a determination, there is no access in this bill for the francophone community, for whom they are making the determination, to say: "Wait a minute. What about this area?" That is what I am saying.

Mr. Pouliot: There is no recourse mechanism.

Mr. Davis: I will look at that to see whether there is some mechanism. When you are establishing something new--I will look at York region because it was one that was mentioned. It is a large area. There may be sectors there of the francophone population whose members would like an opportunity to say to the FLEC, "When you establish it, we would like some input on the pattern you are going to develop for the electoral areas." You are leaving it to the five or six elected individuals to establish where the representation is going to come from.

Mrs. Carrier-Fraser: Presumably, the elected officials or the trustees making that decision would do it in consultation with the community, unless we want to legislate that they do consult the community, but that is not normally the process we go through. If they are elected, those people will ensure that they represent the needs of the French-language community.

Mr. Davis: You are saying that built into this but not written is the expectation that the FLAC would then somehow hold general meetings where the francophone community had an opportunity to comment on the alignment before it became factual.

Mrs. Carrier-Fraser: It has been indicated by the French-language community and by areas such as Sudbury, for instance, that the decision would be made with the municipal clerk and analysing where the French population is coming from. Therefore, it is not something that will just come out of the blue because they are the wiser people.

Hon. Mr. Conway: I think there is not going to be a big problem, but if you think something additional is required, then let us have an amendment.

Mr. Davis: That helps. It may be simply that "after consultation with the appropriate bodies" would solve it.

Hon. Mr. Conway: If you want that.

Mr. Davis: Sure.

Hon. Mr. Conway: I just cannot believe it will be a problem, but if it is--Is it the sections? I believe the decisions with respect to boundaries as they relate to the sections are reviewable every three years.

Mr. Steele: At each election, they could have a completely different set of boundaries.

Hon. Mr. Conway: Therefore, it is not cast in stone. Every three years, the new section could determine that a realignment is required, on the basis of some major change in demography.

Mr. Davis: Have you tried to realign boundaries?

Hon. Mr. Conway: It is done.

Mr. Davis: It was tried here in Metro and what happened was just an addition of trustees to Metro boards. With all due respect, when you try to realign regions, once you have them established, all you do is add trustees to the board. The areas already represented do not want to lose their representatives.

Hon. Mr. Conway: We will look at an amendment, if that makes people feel more comfortable, to make sure there is a consultation. I cannot believe there would not be one anyway.

4:40 p.m.

Mr. Davis: It clarified it a lot when the deputy minister indicated they were going to consult with the city clerk. I think that is important.

Mr. Chairman: Are there any other points on section 4? Mr. Guindon?

Mr. Guindon: I have a question with regard to the FLAC elections. I was wondering whether those who are currently on the FLAC committees have to stand up for another election or whether they are automatically found a place.

Mrs. Carrier-Fraser: If the board has to continue having a French-language advisory committee, the existing one is dissolved and new members have to be elected.

Mr. Guindon: Can a separate school board trustee currently representing the Catholics on a school board decide to go to the French one?

Mrs. Carrier-Fraser: If he is qualified as a trustee, yes, but he cannot be a member of a French-language advisory committee because he was not elected to a French-language advisory committee. That person is no longer qualified to be on the board if the separate school board has extended.

Mr. Guindon: I am not talking about a separate school board that is extended. I am talking about a public school board--

Mrs. Carrier-Fraser: Yes, but if he is a separate school trustee on a public board of education, and the separate school board has extended, then that person cannot be a member of the public school board, whether on the French-language advisory committee or as a trustee.

Mr. Guindon: You have to switch your taxes.

Hon. Mr. Conway: Under the provisions of Bill 30.

Mr. Guindon: All right. That is all. It is clear.

Mr. Chairman: Are there any other comments on section 4? If not, shall section 4 carry?

Section 4 agreed to.

Hon. Mr. Conway: In fairness to Mr. Davis, we were going to include that undertaking I gave.

Interjection.

Hon. Mr. Conway: Is it later? Good.

Mr. Allen: We are moving on to section 5?

Mr. Chairman: No. I should not say, "No" so quickly. It was my intention to go back to where we started this morning. Ms. Hart has a motion.

Mr. Chairman: Ms. Hart moves that, notwithstanding the previous decision of this committee, sections 1, 2 and 3 of the bill be struck out and the following substituted therefor:

"1. Part XI of the Education Act, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, sections 62 to 67 and 1984, chapter 60, sections 17 to 25, is further amended by adding thereto the following section:

"257a. In this part,

""board" means,

""(a) a board of education the members of which are elected under the Municipal Elections Act,

""(b) a county or district combined separate school board,

""(c) the Metropolitan Separate School Board, or

""(d) the Windsor Roman Catholic Separate School Board

""committee," except in sections 274 to 277b, means a French-language advisory committee formed under section 262;

""French-language instructional unit" means a class, group of classes or school in which French is the language of instruction but does not include a class, group of classes or school established under clause 8(1)(y) (French-language instruction for English-speaking pupils);

""French-speaking person" means a child of a person who has the right under subsection 23(1) or (2), without regard to subsection 23(3), of the Canadian Charter of Rights and Freedoms to have his or her children receive their primary and secondary school instruction in the French language in Ontario;

""French-speaking ratepayer" means a person who is entitled to vote at an election of members of the board and who has the right under subsection 23(1) or (2), without regard to subsection 23(3), of the Canadian Charter of Rights and Freedoms to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

"2. Subsection 258(1) of the said act, as re-enacted by the Statutes of Ontario, 1984, chapter 60, section 17, is repealed.

"3. Section 259 of the said act is repealed and the following substituted therefor:

"259. Where a board has established a French-language advisory committee under section 262, or an English-language advisory committee under section 272, the committee has the same duties and responsibilities in respect of the French-language schools and classes or English-language schools and classes, as the case may be, that are provided in the elementary schools operated by the board as it has in respect of French-language instructional units or English-language schools and classes, as the case may be, for secondary school purposes.

"3a. Section 260 of the said act, as amended by the Statutes of Ontario, 1984, chapter 60, is repealed."

Do members have any comments?

Hon. Mr. Conway: This is what developed out of the agreement just before lunch that the legislative counsel and ministry legislation people sat down to see whether they could not take the advice that was being suggested this morning, and incorporate it. What you see here in the just moved amendments are the best efforts over the noon hour to incorporate those suggestions. Perhaps, Don Revell or Bill Mitchell would care to explain what technically has been done here.

Mr. Revell: The first thing we did was take the existing first three sections of the bill, which contain the same definitions over and over again, and combined them into one new section, which would be section 257a of the act. All the definitions that now relate to part XI of the bill will be in this one place. It is going to make the act easier to read.

We have picked up the definition of "board" which was approved at this morning's meeting. The definition of "committee" is the definition that is in section 260 at present, except that there was a special exception made for sections 274 to 277b where there is a special definition of "committee" dealing with French- and English-language rights.

The definition of "French-language instructional unit" is in the existing act with one significant addition; the "but" clause has been added, but does not include a group of classes for schools established under clause 8(1)(y)--French-language instruction for English-speaking pupils. These are quickly becoming known as the French immersion programs.

As a result of this, my submission might be: a "French-language instructional unit" will be a true French-language instructional unit as a first language. It will not include second-language students. The definition of "French-speaking person" is the present definition from the bill and so is the definition of "French-speaking ratepayer."

Combining the definitions necessitated section 2 as set out in the motion, which repeals subsection 258(1) of the act containing some of the definitions. We then had to take section 259, set out in section 2 of the present bill, subsection 1 of which contained a definition of "board" we no longer needed, so section 259(2) as set out in the bill now appears as section 259. Then we had to add a provision allowing us to eliminate section 260 of the act. In summary, that is what the motion does.

Dr. Allen: That is a very neat resolution of the problems that existed in some of the early sections of the bill and in that part of the act. I am quite satisfied that the amendment added to "French-language instructional unit" satisfies the arguments we are making this morning.

To obviate any further discussion of the point, I had amendments in which I attempted to resolve some of the obscurity of section 23. On reflection, it is better not to open that can of worms but leave the courts to resolve those problems as they arise. I doubt we would be able to cover all the nuances and shadings required to cope with that problem.

I appreciate the fact that you worked the definition of "French-speaking person" as well as "French-speaking ratepayer" into this section, and I also appreciate the work of the legislative counsel in putting all that together.

Mr. Davis: I would also like to applaud the work of the legislative counsel in attempting to put into legal language the concerns that were raised. I have one quick question about something the deputy minister stated this morning. I believe the new clause takes care of it.

I understood the deputy minister to say that a person who wishes to go to a francophone first-language unit could apply. If a person coming out of a French immersion program applies, this new section eliminates that if french is not a first language.

Mrs. Carrier-Fraser: It could, unless it is challenged in the courts, in which case we do not know what the answer would be.

Mr. Davis: I understand that is a different matter.

Mrs. Carrier-Fraser: That is right. The admissions committee makes the decisions concerning who will be admitted to the program.

Mr. Davis: Do you want to explain that to me? You said that this morning.

Mrs. Carrier-Fraser: That is right. The admissions committee has guidelines written by the French-language section of the French-language education council, because it has exclusive jurisdiction. The French-language section of the board decides who it admits into the program.

Basically, because it has exclusive jurisdiction, the section of the board makes the decision of who is admitted to that section. If someone has the right to be admitted, there is no question; he does not have to go through the admissions committee. If not, he does. We cannot control admission, because it is a board decision.

4:50 p.m.

Mr. Davis: I would like to try to clarify this. I understand that Bill 75 is to ensure, for the francophone community in this province, whose first language is French, the governance of its own educational system and an opportunity for its students to be educated in that way. This protects its cultural and language rights and, I would assume in many cases, its religious rights. Now I hear you saying that anybody can apply to go there. The admissions group and the board decide whether to take them.

I want to give you a scenario, and you tell me if it is right. Let us

assume that I went through a French immersion program from kindergarten, and now I am ready to go to high school. I have had eight years of French immersion, and I apply to go. Am I correct in understanding that the French admission board can say it will take me?

Mrs. Carrier-Fraser: Yes.

Mr. Steele: There is a difference between having the right to go by law and being admitted, because you have shown that you have the proficiency in French to understand the class discussions.

Hon. Mr. Conway: Mr. Davis, I believe the issue goes back to the individuals who possess rights under section 23 of the charter. As we have said on a number of occasions, there are going to be some--

Mr. Davis: I have moved past that. I accept that.

Hon. Mr. Conway: The entitlement for entry into this system is one's rights under section 23 of the charter. That is the basis for eligibility to participate in the schools and programs that are going to be reflected in Bill 75.

Mr. Davis: Minister, let me ask you the questions.

Let us say I am a student whose first language is English. My parents have placed me in a French immersion program from kindergarten to the end of grade 8, and now I am ready to move to secondary school. My parents decide they would like me to receive my secondary education in a French school, where French is the first language. I do not qualify under the Charter of Rights. Can I make an appeal to be admitted? Does the admissions council have the right to admit me, even though I do not qualify?

Hon. Mr. Conway: Your entitlement is going to be based on your apparent possession of those rights under section 23 of the charter. I am not at all clear, from the way you have described the situation, whether you would not be in possession of those rights. Essentially, this is a French-as-a-first-language program.

Mrs. Carrier-Fraser: Mr. Davis, if your child, who is not qualified under section 23 of the charter, wants to be educated in a French-language instructional unit--let us say you are going from grade 8 to grade 9 and want to take part in a secondary school program with French as a first language--he has no legal right to go there. That is a legal right he does not have, because he does not qualify under section 23. That is clear. However, if he wants to get admitted to the program, the provisions are there for the admissions committee to study the case and to see whether the child would fit into the program. We cannot cancel that possibility, because the admissions committee is there.

The decision will be made by a French-language group on how, if this child is admitted, it will affect the program. If it feels it will affect the program negatively, the child will not be admitted. It is a local decision, which has to be made by that board. There is no right, but there is a possibility that it could happen. It happens now, because the decisions basically are not made by the French-language community but by a board.

Mr. Davis: I am not saying it is wrong, but in effect what you have create now is another school jurisdiction vying for students to enter. Whether

or not we like it, there is a trend in society towards a belief that a person who receives a French education and becomes bilingual, to whatever degree that means, has greater opportunity for employment and for advancement in employment than a person who does not.

Therefore, in today's society--and we know the problem the minister and the ministry face with the proliferation of French immersion programs that are springing up all over and how we fund and staff them--chances are that parents would make an application to go into the French unit and they could be accepted or rejected. I do not accept or reject it. All I am saying is that we are setting up a scenario that is--

Hon. Mr. Conway: What we are doing is giving the francophone minority control over its schools and classes where those schools and classes have French as a first language. That is what we are doing in Bill 75.

Mr. Davis: I am not saying it is right or wrong. I am pointing out a concern that I see down the road.

One of the other things you are doing with it is saying that a person who qualifies under section 23 of the Charter of Rights is automatically admitted. Nobody has any problems with that. That person does not have to apply. However, a large number can apply to enter based upon any kind of rationale, whether it is philosophy or because they believe people will be better served in society with two languages.

Hon. Mr. Conway: Well--

Mr. Davis: Minister, it is true. The group has to make the decision. That is what you are telling me. The admissions committee makes that decision.

Mrs. Carrier-Fraser: Yes. The admissions committees have always existed. They were in existence before, and they continue to exist. They have always had the possibility to admit anyone.

However, the guidelines were always established by a total board, which had no French-language responsibility or French-language representative per se. In this situation, the admissions committee becomes the exclusive jurisdiction of a French-language section, which will then be able to decide its own future.

Mr. Davis: May I ask a question for my own clarification? The admissions committees have always existed. Have they always accepted a person who has had French immersion?

Mrs. Carrier-Fraser: No.

Mr. Davis: They have turned some down and admitted some?

Mrs. Carrier-Fraser: Yes. Every board has had its own policy. This will continue, because boards that are elected by their local representatives will make those types of decisions.

Mr. Davis: I can see the minister will enjoy his court cases.

Mrs. Carrier-Fraser: There have never been any.

Mr. Davis: You cannot appeal that?

Mr. Allen: You cannot appeal what you do not have a right to.

Mrs. Carrier-Fraser: That is right.

Mr. Allen: It is a matter of discretion. The practicality of the matter is that in virtually every circumstance I am aware of where such schools exist, the French community has been quite reluctant to see very many students move out of the anglophone setting into their setting. They obviously have a tremendous minority language problem that can be exacerbated by that fact. The pressure, if anywhere, is in the other direction in most communities.

The practical effect of having a discretionary power is not likely to be great. It is difficult to conceive that a self-governing board would not be given discretionary rights, as other boards around the province have for other matters. It is something one has to keep one's eye on, obviously. The minister will want to do that.

Mr. Davis: I am sure we will remind him.

Mr. Allen: We will keep him on his toes about it.

Hon. Mr. Conway: I note your approval of the good work that was done by legislative counsel and by the ministry legislation people.

Mr. Chairman: We have the amendment of Ms. Hart. Shall that carry?

Motion agreed to.

5 p.m.

Mr. Chairman: We still have on the table an amendment by Mr. Allen, on page 2 of his amendments. Will that be withdrawn?

Mr. Allen: I will withdraw that motion. It is covered by the motion we just passed.

Sections 1 to 3, inclusive, as amended, agreed to.

Mr. Chairman: Mr. Allen, as I understand it, you do not wish to deal with the amendment you tabled this morning until we get to page 8. We have not dealt with any up to page 8. Is that correct? Except you want to come back to the preamble.

Mr. Allen: Apart from the preamble, there is nothing I want to come back to prior to page 8.

Mr. Chairman: Then we will move to section 5 of the bill.

Clerk of the Committee: There is a government amendment, section 4a.

Mr. Chairman: I am sorry about that. There is apparently a government amendment prior to that, section 4a on page 9 of the minister's package of amendments.

Ms. Hart moves that the bill be amended by adding thereto the following section:

"4a. Subsection 266(1) of the said act is amended by inserting after 'board' in the second line 'from among the members of the board.'"

Hon. Mr. Conway: This is very much in the housekeeping vein.

Mr. Steele: Yes. This gives us an opportunity to insert something for clarification.

As it is worded now, the section reads, "Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members"--remember, there are three members appointed by the board to a French-language advisory committee--"and by the elected members of the committee in the case of elected members."

There are six members elected to the FLAC. If there is a vacancy among its three positions, then the board will fill that. If there is a vacancy among the six elected positions, the elected people will fill that.

The wording has not caused trouble in the past, but there is always a possibility it might some time in the future. It says, "Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members...." We obviously assume they are going to fill that vacancy by appointing one of the other trustees. However, there is nothing to stop them, the way it is worded, from declaring somebody entirely outside the board a trustee and member of the FLAC.

That has not happened, but there is always a possibility. We want to take this opportunity to cover that possibility by simply adding, "from among the members of the board."

Motion agreed to.

On section 5:

Mr. Chairman: Mr. Allen moves that clause 268(1)(b) of the act, as set out in section 5 of the bill, be struck out and the following substituted therefor:

"(b) to participate in the discussion at a meeting of the board in respect of any matter that is within the jurisdiction of the committee under subsection 267(1) and to vote on such matters.

"(c) to designate a member of the committee to accompany the chairman at any meeting of the board who may participate in the meeting in the same manner as the chairman excepting only the right to vote; and

"(d) to designate a member of the committee to act in the place of the chairman at any meeting of the board."

Mr. Allen: I move this to strengthen the role of the local French-language advisory committee and, in particular, its representative who now has the right to attend meetings of the board and participate with other members of the board in a discussion of matters that are, by law, relevant to a FLAC's jurisdiction.

I am aware that where a French-language advisory committee exists, that board purchases services from another board. Therefore, there are not many items arising in the context of the board on which the chairman of FLAC sits

that he would have to make a decision about. Since the purchase is in another board location, matters pertaining to decisions about transportation, for example, might be a common matter the committee has to attend to, and various items the purchasing board might want to raise with the providing board regarding the service given to their students.

It has been argued that, because the occasions are so few on which such a vote would have any significance or even be exercised, it is inconsequential. My argument is that if the chairman of a FLAC exercises any important function at the table on behalf of French students of that jurisdiction served elsewhere, then he ought to have the right to vote on those occasions.

Since the items he would be voting on are clearly designated, I cannot imagine that his voting presence constitutes any significant threat to the board and other trustees--certainly not with respect to numbers, since it would always be a vote of one. It symbolizes something important in a bill dealing with French-language governance that an effective voice carries through with a vote.

The rest of my motion has to do with the right of the chairman to be accompanied by a member of a FLAC. That provision is important. Some boards around the province have not become friendly to French-language education of this sort even today. It is appropriate to have somebody accompany the chairman. It also extends the knowledge of the functioning of the board to yet another person in the French community regularly. Since I view this bill as a means of further preparing the French community for fuller governance, to have that person accompany the chairman of the committee is also appropriate.

The chairman should have the right to designate someone else to act in his place, which is already in the bill under clause 5(1)(b). Since the numbering would have to be changed to accommodate it, I incorporated it in my motion.

5:10 p.m.

Hon. Mr. Conway: I appreciate the sentiment of the member in putting this amendment forward, but the government has some difficulty with the first two parts, clauses 268(1)(b) and (c). They would give voting powers, powers of trusteeship, to nonelected individuals. That would have a very destabilizing and unhappy effect in the real world.

The member has suggested this with the best of intentions, but I do not believe it would accomplish his goal. I would be quite concerned about that, because this is a major policy departure. This amendment says that someone who has not been elected to a board would enjoy voting rights. Members of the board would see that as foreign to tradition and not helpful to collegiality and getting on with the job.

I would not favour that, although I do recognize the need to provide greater opportunities for the chairman of the advisory committee to participate in the activities of the board to which the committee attaches. I believe we have done that with our amendments. In indicating that the government will not be favouring this amendment, however, I signify the very real concern I believe would develop by giving voting rights to someone who is not elected. There almost certainly exists an honest difference of opinion between us on that subject.

In the second case, I am neither sure nor persuaded that it is really necessary to provide for that second person. It is very important to establish a linkage between the committee and the full board. That is quite clear; we all agree on that. I do not see the need to double that at the advisory committee level.

More importantly, in the first instance, I indicate the government's unwillingness to accept that, not because the honourable member's intentions are not good but because the proposal would be very controversial and would destabilize a situation which we wish to be happy and constructive.

Mr. Chairman: Dr. Allen, at the risk of annoying your colleague beside you.

Mr. Pouliot: Not at all. I just seek a clarification here. How does the chairman of the board get to be exactly that; the chairman of the board? He is not elected. Can the minister help me with this?

Mr. Allen: The chairman of the committee.

Mr. Pouliot: The chairman of the committee. I am sorry. I am talking about the amendment proposed by Dr. Allen, regarding the right of the representative on French matters to participate but not to vote.

Hon. Mr. Conway: It is an advisory committee. We cannot accept that the chairman of an advisory committee who has not been elected to the board by the broad base of the electorate should be in a position of parity with the full members of the board. That would cause very real division and concern at a time, and in an area, when we are moving forward.

I know what the honourable member's intentions are, but my assessment of the real world out there is that this would be quite controversial. Not only the board, but also the advisory committee and its chairman would be put in an invidious position.

Mr. Pouliot: The chairman of the advisory committee would be asked to bring to it rationale and substance, yet he would not have voting privileges. We are obviously not bringing the subject matter to its rightful conclusion.

Hon. Mr. Conway: Again, this bill contemplates various levels of governance for boards that will operate schools and classes.

Mr. Allen: The minister's answer is somewhat speculative with regard to the consequences. One would have to leave that up in the air, since none of us can really say whether a great uproar would follow this kind of procedure. It is true that the French community to which governance is being accorded has elected this person to play a responsible role for it in the confines of the board. It seems to me that, in a document that pretends to promote governance, not to conclude itself in a voting capacity may be somewhat of an anomaly.

I am sure the minister knows well, although he may have forgotten, that in the case of school boards where there is a substantial Indian population, there are representatives provided for in the Education Act who are not elected but who are appointed by the council or band to represent the Indian students on the board of education in question. They have full voting powers. While there is a slight difference in that those students are in that very board, none the less this is not an elected position and the person is

obviously accorded a right to full participation and voting power on the board.

Hon. Mr. Conway: I have two quick comments. The comparison of the native representation is interesting, but it is not exact. That appointment is to the full board. We are talking about an advisory committee here. There is a difference. In the first instance, we are talking about someone who is appointed, not in any advisory capacity but to sit as a trustee on the full board. Everyone knows that is the rule of the game from the beginning. In this case, we are talking about the minimal level of governance, and that is the advisory committee. However, for the francophone minority, where there is a French-as-a-first-language class or school, we have provided in this legislation for a much clearer and stronger measure of governance.

There is an honest difference of opinion. The member is quite right, it is somewhat speculative.

Mr. Allan: Very much so.

Hon. Mr. Conway: I have made a judgement and I am very anxious that we proceed now in a way that not only brings the minority interest to a clearer and more positive understanding but also brings the majority community along. Quite frankly, in this case this would be dysfunctional. It would cause genuine difficulty at the beginning, without which we can all live.

Mr. Pouliot: Nice speech, but what did it mean?

I wish I could swallow this one, but in the genius of democracy as you explained it this morning when it came time to serve the purpose of the bill, we were very satisfied with the fashion in which the chairman of the committee had been selected or elected for its right purpose. We had no quarrel with that, even if it was in a parish hall someplace. We were willing to swallow that, with all the grace and all the convenience.

However, you cannot have it eight different ways. With respect, it takes a certain audacity to say people are there for the purpose of addressing a specific matter, they bring the rationale, they bring the substance; what the heck are they doing there? They do not have the right to vote. They are not going to distort matters or swing the balance of power.

We are appalled and shocked, because it is the right thing to do. What are the others going to think? How are we going to be seen when it comes to our first Canadians, to our native population? You have no quarrel with that because, again, it serves the purpose. Super.

When it comes to les francophones, celui responsable, bien là ça fait très peu de différence ce que les autres vont dire. Ça ne s'accepte pas.

I cannot get the logic in your argument. I wish I could. Although the point is well taken, I do not envy you your job. You are splitting hairs. The first part of the amendment to section 5 that is being proposed by Dr. Allen should be a fait accompli and nothing short of that.

5:20 p.m.

Hon. Mr. Conway: Again, I think there is an honest difference of opinion. If you adopt the principle that someone who is not elected will enjoy the powers of a trustee, you will be doing more than splitting hairs. That is a judgement call. You can disagree with me on that and I respect your opinion.

Mr. Allen: I rest my case, the minister rests his and at a certain point we have to vote on these things. Obviously, we have a significant difference of opinion. I happen to think it is not inconsistent with an advisory committee to be able to follow through with a single vote on the board as an expression of that advice. That is my response.

In the same sense, every trustee on that board tenders his advice to the whole group by his vote, and the balance at the end is counting the advices given by the vote. The majority carries the day. That does not worry me greatly; it is quite consistent. As I say, the case has been made and we should proceed with the vote and determine the matter.

Mr. Davis: I can sympathize with Mr. Allan's concern about a member of the FLAC having this kind of privilege. I have some problems with it, one of which the minister has articulated. The person who is chairman will have electoral power given to him as a trustee that no other person has. That sets a precedent when one understands that we are continually creating advisory boards as we go through the educational cycle.

For example, I am thinking of the special education advisory committee. I know it is not Mr. Allen's intention to have that apply to SEAC. It seems to me it would only be a matter of time before SEAC also asks for that kind of representation on the board; the right to a seat and the right to vote on matters affecting the children. Mr. Allen is quite correct when he says there is a difference because we are talking about the francophone community.

Mr. Allan: An official language.

Mr. Davis: An official language. However, it seems to me we will create difficulties by extending this voting privilege without going through the process of an election.

I have given serious thought to Mr. Allan's amendment granting the chairman of a FLAC the right to vote. However, if I am correct, the bill now gives the FLAC chairman something he did not already have: the right to attend board meetings and to sit and discuss. That right has not been afforded to him or her in legislation before. It has been a privilege up to this time that a board would say the FLAC chairman could address the board. Mr. Allan is quite correct, there have been boards where that kind of co-operation has not been as great as it should have been. In this case, the chairmen of the FLACs will now be part of that board without having to beg to come before it. They will be part of the process.

In one respect they are not much different from the separate school person who is not allowed to vote in certain areas of board debates but can speak on them. I would like to convey to the minister and to my colleagues that many times the oratory skills of some of those trustees have made a board reconsider a vote or reconsider the direction in which it was going.

The other thing is that the FLAC has three elected trustees who sit as part of the committee, who can also express their concern. I am now addressing the second section about the chairman bringing along a person. They are the voting members. Part and parcel of their responsibility is to articulate the concerns of the francophone community through the FLAC. I can attest to my own experience, which showed that happened. I am not saying the FLAC got everything it desired, but it got a number of issues and concerns discussed and voted upon and, in some cases, passed.

The other thing that is going to create some difficulty, if I understand the recommendation the minister has put forth, which Mr. Allen has just tried to expand with the voting privilege of the chairman, is that the chairman can now even sit in on private sessions. Am I correct?

Mrs. Carrier-Fraser: He may attend meetings of the whole board before the amendments come through. Back in 1984 with Bill 119, the act was amended so that the chairman of a French language advisory committee could also attend a meeting of the whole board, which is in camera. He could attend; that was part of the act itself before.

Mr. Davis: That is interesting to know.

Mrs. Carrier-Fraser: It has been in the act for a while.

Mr. Allen: I thought it was intended that he would sit at the table, but some people did not see it that way.

Hon. Mr. Conway: It has needed some clarification.

Mr. Davis: I would assume it does. This ensures that they can attend those meetings and speak.

Hon. Mr. Conway: Absolutely.

Mr. Davis: That was a privilege they did not have before, or they had but it was not exercised.

After due consideration, it seems to me we would not be able to support the amendment to grant the FLAC chairman the right to exercise voting power. We applaud the direction at this point, because it does not mean that down the road that may not happen. At this point, the chairman has the opportunity, as any member has, to be present, to attend board meetings and to discuss the issues of the board. That is an important step. It may not be fulfilling the ideal of what we would like to happen, but it is the beginning.

Mr. Allen: My last words really are a reminder that there are trustees who sit on the FLAC by right, and properly so, under the legislation, who are able to vote on behalf of the committee. Remember that almost without exception, since we are in very small French populations in these board situations, those trustees are almost always not francophone.

To say they have the right and duty to carry forward the advice of the FLAC to the board and have the right to vote on it when the elected chairman of the board, who is a francophone and attends the board meetings, does not have the right, really perpetuates a very colonial and paternalistic situation.

Mr. Pouliot: Horse and buggy.

Mr. Chairman: Does the minister have anything further?

Hon. Mr. Conway: No. There is an honest difference of opinion. I respect very much the views of my learned colleague the member for Hamilton West (Mr. Allen) and the rather piercing interventions from the member for Lake Nipigon (Mr. Pouliot) about the minister's audacity. I think the divisions of opinion are clearly before the committee.

Mr. Chairman: Shall the motion carry?

Mr. Allen: No--I am sorry, yes. I have been arguing against you guys for too long on this point, I sound negative on myself.

Mr. Chairman: Those in favour?

Hon. Mr. Conway: We should be clear on this, because there is an agreement. The third item, clause (d), has been agreed to. From the government's point of view, we are prepared to accept (d) but we do not accept (b) and (c).

Mr. Davis: Let us vote on it and see what happens.

5:30 p.m.

Mr. Chairman: All those in favour of the motion? All those Opposed?

Motion negatived.

Section 5 agreed to.

On section 6:

Mr. Chairman: Ms. Hart moves that section 6 of the bill be amended by adding thereto the following as a subsection of section 272 of the act:

"(5) Clause (2)(c) does not apply until December 1, 1988."

Hon. Mr. Conway: It is very technical. In fact, it was an oversight. It just ensures that the requirements for establishing the English-language advisory committees are consistent with those for the French-language advisory committees.

Motion agreed to.

Section 6, as amended, agreed to.

Section 7 agreed to.

On section 8:

Mr. Chairman: Ms. Hart moves that section 8 of the bill be amended by adding thereto the following subsection:

"(3) For the purposes of subsection 1, at least 10 French-speaking ratepayers shall be deemed to have applied to the board for the establishment of the new French-language advisory committee."

Hon. Mr. Conway: the members should look at the explanatory note on page 12 of the longer document. The amendment here is again of a technical nature. "The addition removes the necessity of having 10 ratepayers request that a FLAC be established when a new FLAC is established, at the time the bill comes into effect, simply to replace an existing FLAC." It is just a deeming clause so that it carries on. Effectively, they do not have to go through what would be seen an unnecessary exercise; "charade" is too strong a word.

Mr. Davis: It does not apply to a jurisdiction where there is no FLAC now.

Hon. Mr. Conway: It is just where it is going to continue. Rather than forcing the francophone community to go through the exercise to comply technically, it is simply a deeming addition. Where you have an old FLAC and a new FLAC, you simply say that in that case, the 10 ratepayers--

Mr. Davis: In a jurisdiction where there is no FLAC, however, and one has to be created, they still have to have the 10 ratepayers.

Hon. Mr. Conway: That is right. They have to go through the rite of initiation. This is just for a situation where there was an old FLAC and there is going to be a new one. We are not going to force them through the unnecessary step of initiation.

Mr. Allen: Is there a normal process to deem things done when they are not done?

Hon. Mr. Conway: Perhaps Mr. Steele can answer that.

Mr. Steele: I cannot speak to what is or is not normal. I think the rationale is reasonable in that the community has already indicated it wants a FLAC by forming the first one. Why call on the community once again to verify that it wants a FLAC by requiring it to have 10 people write to the board to say they want a new FLAC formed? In a case where no FLAC has been formed and a board is purchasing education, clause 262(1)(d) says that they have to form a FLAC if they are purchasing education and if 10 ratepayers indicate they want it. Then the French-language community has to say whether it really wants the board to set up a FLAC.

Mr. Davis: Can somebody on the ministerial staff confirm that when the new FLAC is created, the new guidelines apply to it?

Hon. Mr. Conway: The extended powers.

Mr. Davis: Where an old FLAC is already in existence and is getting new powers, you are not creating a new FLAC committee; you are just giving it new powers. Is that right?

Hon. Mr. Conway: No. The entitlements now--

Mr. Davis: There will be a new election.

Mrs. Carrier-Fraser: The bill allows for the old FLAC to be dissolved and a new FLAC to be elected because the qualifications in the bill have changed. You have to be a public school supporter or separate school supporter. You have to support the board and you have to have qualifications under section 23. The elections have to be held because of those qualifications.

Hon. Mr. Conway: Remember, Mr. Davis, the section says, "For the purposes of subsection 1, at least 10 French-speaking ratepayers shall be deemed to have applied to the board for the establishment of the new French-language advisory committee." It is that triggering mechanism we are deeming to have taken place. All the rest must have an election and must meet the new qualification standards.

Mr. Davis: They have to live within a certain jurisdiction.

Hon. Mr. Conway: That is right.

Mr. Davis: I ask this question out of curiosity. This probably does not occur and I hate to be hypothetical. I understand what you are doing, but I am not sure that in a democratic process we are doing the best thing. Let me explain that. What happens in a jurisdiction where there used to be 10 francophones who wanted a FLAC committee and now there are only nine? If only nine exist and one has moved away, they will be deemed to have it even though they do not have the necessary qualifications. Is that correct?

Hon. Mr. Conway: I will let Bill Mitchell comment on that.

Mr. Davis: I know it is hypothetical.

Hon. Mr. Conway: Before Bill comments, if you look back to the transitional clause, section 8, it is quite clear that within two months after the date on which this section comes into force, every board that has a French-language advisory committee shall establish by resolution a new French-language advisory committee. If you had one, you have to have a new one.

Mr. Davis: That means you have to have an election.

Hon. Mr. Conway: That is right. All we are saying is that given that transitional reality, we are absolving the boards of the first step of initiation, that 10 ratepayers deem it or that 10 ratepayers apply.

Mr. Mitchell: In a sense you absolve the community of the necessity of going through that step when the legislation already says that if you had one before you will have a new one. There is no option. Having said that in the legislation, there does not seem to be much sense in forcing the community to go through the process of asking for one. They have to have one anyway. The reason for the deeming is to take care of a step that is in the legislation, but which now is made redundant by the obligation to have one anyway.

Hon. Mr. Conway: Your question is, what happens generally when there are no longer 10 people?

Mr. Davis: It does not matter. This section does not have to be there because section 8 covers it correctly when it says that if you already have a French-language committee, within two months you have to have a new one, so you do not have to put the deeming effect in.

Mr. Chairman: Perhaps Mr. Revell can explain this to us.

5:40 p.m.

Mr. Revell: Mr. Davis, I tend to agree with your position that with subsection 8(1) there, why do we need 8(3)? However, I believe it is to avoid the problem of any possible challenge. This is a belt-and-suspenders type of provision. I recommend it be there for the very good reason that the fact is they do have to be established. Somebody could argue that you have to go through the process of obtaining the signatures of 10 ratepayers to re-establish it. That would appear to create a conflict between subsection 8(1) and the new provisions that deal with the creation of the FLAC. It forestalls the possibility of what, in my opinion, could be a capricious court

action by somebody. I normally disagree with the belt-and-suspenders type of provision, but I think this is a wise one to put in.

Hon. Mr. Conway: Mr. Mitchell will add a clarifying point.

Mr. Mitchell: To add to what Mr. Revell said, this deems a process to have taken place. It does not deem people to be something they are not. It simply deems that step in the process has been taken care of. I concur with what Mr. Revell has said.

Mr. Davis: I understand the intent. I have problems when one plays with this kind of rule that deems a process to have occurred which has not occurred. I have no problem with section 8, which simply says that the FLAC continues. This one bothers me.

Hon. Mr. Conway: I have sat on many committees over 11 years and I never heard such a wonderful phrase as "belt-and-suspenders provision." I will long remember that, Mr. Revell.

I come back to a point we must not lose sight of in this, and it is easily lost sight of when we get into specifics. We are in this transition and that is what this provision is here to recognize. We are going in mid-term from one reality to a new reality, so there must be recognition of that with a variety of transitional mechanisms and clauses. We have them elsewhere in the provisions. I can understand the concern and I would rather have been doing this in 1985 when it could all have been nicely tied in to the general election framework. We were not able to do that, so we are making these changes in mid-term. With that reality, there are some hinges and transitional clauses that we have to anticipate and enact.

Mr. Chairman: Shall the motion carry?

Motion agreed to.

Mr. Chairman: Are there any further amendments to section 8? Shall section 8, as amended, carry?

Mr. Davis: Slow down, Mr. Chairman; you are going too fast.

Mr. Chairman: I have to think of what I am going to say. Why do you not try it?

Mr. Davis: I do, Mr. Chairman; you just move too fast.

Section 8 now means that for every FLAC that now exists, there must be a new election.

Mrs. Carrier-Fraser: If the board is purchasing education from another board, it needs the necessary approval.

Mr. Davis: That election will be carried out in the same way as the FLAC elections are now and the FLAC members can still run.

Hon. Mr. Conway: If they have the qualifications.

Mr. Davis: I mean that they are going to run for FLAC. The people

will have to come together at some place, as Mr. Pouliot said, in churches or wherever, and have their election until 1988.

Mr. Pouliot: --I would have been in real trouble.

Mr. Davis: You never know.

Hon. Mr. Conway: It is the old-fashioned way, the way it was done for years and decades.

Mr. Chairman: Shall section 8, as amended, carry?

Section 8, as amended, agreed to.

On section 9:

Mr. Chairman: I believe the first amendment is a ministerial amendment to section 277c.

Mr. Chairman: Ms. Hart moves that the definition of "board" in section 277c of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"'board' means,

"(a) a board of education, other than a board of education for an area municipality in the municipality of Metropolitan Toronto, the members of which are elected under the Municipal Elections Act,

"(b) a county or district combined separate school board,

"(c) the Metropolitan Separate School Board, or

"(d) the Windsor Roman Catholic Separate School Board."

Hon. Mr. Conway: The discussions over lunch produced another amendment on section 277c. I want to be clear that we do not forget that in the process.

Mr. Chairman: To section 277c?

Hon. Mr. Conway: I am asking for some direction because the work that was done over lunch had a third component and I want to make sure we do not forget it in the--

Mr. Revell: The way to handle it would be, first, to deal with the definition of "board." A third page was handed out earlier that deals with the definition of a French-language instructional unit, which will make the definition in this part balance the definition in part XI-A, but I think we should deal with them as two separate motions. It would be much easier for bookkeeping purposes at the end of the day.

Mr. Chairman: Shall the motion carry?

Motion agreed to.

Mr. Chairman: Ms. Hart has another amendment to section 277c.

Ms. Hart moves that the definition of "French-language instructional unit" in section 277c of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"'French-language instructional unit' means a class, group of classes or school in which French is the language of instruction but does not include a class, group of classes or school established under clause 8(1)(y) (French-language instruction for English-speaking pupils)."

Hon. Mr. Conway: This includes the language used in the earlier amendment that was approved. I do not think there is anything more I need to say on it.

Mr. Chairman: Is there any discussion on this amendment? Shall the motion carry?

Motion agreed to.

Mr. Davis: For explanation, can somebody explain to me "'estimated revenues' means revenues from all sources receivable by a board as set out in the estimates prepared and adopted by the board"?

Mr. Chairman: Where are you, Mr. Davis?

Mr. Davis: I think I am on the correct section. I am on section 9 dealing with--it does not have a number, but it is part of the definitions.

Mr. Steele: There are three main sources a board has for revenues. When it makes up its estimates, it also has to include these sources of revenues as well as its numerous expenditures. In some cases, the major source of a board's revenue is the provincial grant it gets. A second source of revenue would be the local education taxes. A third source of revenue might be the fees it receives for students from other boards when it is taking care of their education. The board is purchasing education from it and it receives fees from that board. There may be other sources of revenue as well. It might sell a property or whatever. These are the various types of sources of revenue.

Mr. Davis: To help me understand this, I would like to go through this. If a board sells a piece of property, does a French-language section have access to those funds as part of the funding process?

5:50 p.m.

Mr. Steele: The funds go into a reserve fund. The setting up of reserve funds comes under "centralized services." The bill does not specifically address the selling of property, but under subsection 2771(6) there is an "allocation to reserve funds and the reserve for working funds." Does anyone else want to comment on that?

Mr. Davis: That is not defined, then. It may or may not have access to that.

Mr. Steele: As I say, the funds from the sale of the building would go into a reserve fund. Reserve funds come under centralized services. The board would be involved in the setting up of the funds.

Mr. Davis: I just want some clarification as we go through, Mr. Chairman. In the estimated revenues, do the property taxes of those who decide

to support the French-language instructional unit go to that governing board, or do they go into the general fund, and are they then dispersed?

Mr. Steele: We do not identify the local taxes of the supporters of either French or English schools. They all go to the central funds of the board.

Mr. Davis: The French unit makes a claim upon that jurisdiction then.

Mr. Steele: Yes. In preparing its estimates, it indicates estimated expenditures, as does the English-language section. They then have to consider how much money they are getting from the province, and how much their tax levies will give them. They may both have to cut down a bit if they find their estimated expenditures are higher than their revenues, as often happens in the first round, from experience.

Mr. Davis: Could I just ask another question? Is that spelled out more clearly later in the bill?

Mr. Steele: Yes.

Mr. Davis: Then I will ask how you fund the francophone units later.

Mr. Chairman: I understand there may be a slight change in Ms. Hart's motion.

Ms. Hart: Yes. Three words were inadvertently left out of the motion just moved and carried. Do I have to move to amend that motion?

Clerk of the Committee: You can just correct the record.

Ms. Hart: Okay. In the motion we were talking about, "French-language instructional unit" is defined as "a class, group of classes or school," three words should be added--"under part XI"--and it will then continue, "in which French is the language of instruction."

Mr. Chairman: Shall that motion carry?

Motion, as corrected, agreed to.

Mr. Chairman: Are there any further amendments or questions on section 277c?

Hon. Mr. Conway: I want to pass this on to Mr. Revell, because that last change arises from our work over the lunch hour to clarify the definition of "French-language instructional unit." I notice that those words were not included in the first ones--

Mr. Revell: They were not necessary.

Hon. Mr. Conway: Were they not?

Mr. Revell: They were not necessary in the first one. That is where we established the French-language instructional units as in part XI. Now we are just referring back to them.

Hon. Mr. Conway: I just want to be clear on that.

Mr. Revell: No, it was just here that I blew it, Minister.

Hon. Mr. Conway: It is not a problem. Thank you.

Mr. Chairman: These are rather large sections. Can we pass section 277c? Is that proper?

Clerk of the Committee: Yes.

Mr. Chairman: Are there any further questions, then, or amendments to section 277c?

Mr. Davis: I just want to ask one.

In clause (b) of the definition of "resident pupil," it says, "is not qualified by residence to be a resident pupil." Can French-language service units purchase their education from another board? All right. Thank you.

Mr. Chairman: Would you please repeat your question, Mr. Davis?

Hon. Mr. Conway: He has had an answer.

Mrs. Carrier-Fraser: The answer was yes. It was just a nod.

Mr. Chairman: Are there any further questions on section 277c? Shall the section carry? Carried.

Ms. Hart moves that section 277d of the act, as set out in section 9 of the bill, be amended by adding thereto the following subsection:

"(6) Notwithstanding any other provision of this part, a French-language section of the board shall not be established if on the first day of the school year in which a regular election is to be held, the board is not operating a French-language instructional unit and it is not providing education for at least 285 of its resident pupils or at least 9.50 per cent of its resident pupils pursuant to an agreement as described in subsection (2) or (3)."

Mr. Davis: Would the minister like to explain that?

Hon. Mr. Conway: Section 277d sets out the conditions when the section must exist. What we have done is to provide for an exclusion or an exception whereby it is no longer required. Maybe Lincoln Steele can speak to it.

Mr. Steele: The first French-language sections will be elected at the November 1988 elections. The pupil count on which the ministry determines whether a board requires a section and how many members will have to be in that section is based on the September 1987 pupil count, which is a year before the election.

It may well be that a board was offering a French-language instructional unit in September 1987. We noted this in making our survey of the data from the boards. We said, "The board will have to elect a French-language section because it is operating a French-language instructional unit, and it will require so many trustees, depending on the percentage of students entering those sections." However, when 1988 comes along, we may find that the transfer has taken place, from the board of education to the separate school board, for

instance. Therefore, if those students in the French-language instructional unit of the board of education are the sons and daughters of separate school supporters, by the fall of 1988, those separate school supporters may be moving the children over to the separate school board. Their taxes will stop coming to the board of education at the end of that calendar year.

This new section says that if you are not operating a French-language unit at the beginning of September of the year in which an election is held, you will not have to form a French-language section. If we did not have that in the act, the government would be forcing the board to form a French-language section when it is no longer operating French-language instructional units, which would be foolish.

Hon. Mr. Conway: It is just to provide for that exception. If boards no longer meet the minimum conditions, they will not be forced to operate a section. It does anticipate, for example, some movement that might be caused by separate school extension.

Mr. Davis: I understand that. I have some other questions, but they are on the other sections.

Mr. Guindon: I am not sure I understand. The way I understand it, if in 1988 you have 284 students who want to stay in the public board but the rest want to go to the separate board, you are telling the 284 students you do not want them anymore. Is that it?

Mr. Steele: No.

Mrs. Carrier-Fraser: This number applies only if the board purchases. If the board no longer purchases for 285, it does not have to establish a section. It is just a purchase clause when we have numbers. Perhaps they no longer operate or they do not purchase.

Mr. Guindon: It does not say "purchase." Does it have to? Should it?

Mrs. Carrier-Fraser: "And is not providing education for at least...." That is right. "If...the board is not operating a French-language instructional unit." That is where you have it. It is not operating a unit, but it is providing education. Provision of education could be through that French-language instructional unit within the board or by purchasing from another board.

6 p.m.

Mr. Steele: You may notice it states a couple of lines below, "pursuant to an agreement as described in subsection (2) or (3)." Subsection 2 looks after the purchasing for at least 300 and subsection 3 the purchasing of least 10 per cent. The concept of purchasing is described in subsections 277d(2) and (3).

Mr. Dean: Why are the figures in subsection 6 different from those in subsections 2 and 3? Why is it 285 compared to 300 and 9.50 compared to 10?

Mr. Steele: We were trying to indicate that the calculation of the figure of 300 students or 10 percent is based on statistical data and that some slight error always has to be allowed for in statistical data. We have

allowed a five per cent error on the downside in favour of forming a French-language section.

Five per cent of 300 would be 15, bringing it down to 285, and five per cent of 10 per cent would be 0.5, bringing it down to 9.50. In this case, we have simply stated the lower limits. We consider anything from 285 up to 300 as 300. We consider every percentage from 9.50 up to 10 as 10.

Mr. Dean: I see. I am not sure why you do not do the same thing in both sections.

Mr. Revell: This picks up something that comes up later in section 277o of the bill. It is set out on pages 14 and 15 of the printed bill:

"(3) In order to allow for statistical inaccuracies, the ministry shall calculate a calculated enrolment of French-language resident pupils,

"(a) that is not less than 9.50 per cent and not more than 10 per cent of the calculated enrolment or resident pupils of a board as 10 per cent of the calculated enrolment of resident pupils of the board; and"

"(b) that is not less than 285 and not more than 300 resident pupils of the board as 300 resident pupils of the board."

The way it appears is rather strange, but it links up with the calculations done later in the bill.

Mr. Dean: I will take your word for it. Why do you not do the same thing for subsections 2 and 3?

Mr. Revell: Those are defined terms within the total concept of the bill. It is one of those problems. There is only so much you can say at any one time. I am afraid not everything can always be neatly packaged exactly where you would like it. I admit there is the possibility of confusion here. Yet, if you take subsection 277d(6) and move it back into section 277o, you still end up with a problem of linkage because you then have the exception provision removed by several sections. I wish there was a neater way of doing it. I have not been able to think of it.

Mr. Dean: I am not a lawyer. Therefore, I will not pursue that any further, but it seems to me that if I wanted to say the same thing, I would put in the same figures.

Motion agreed to.

Mr. Chairman: Are there any further comments on section 277d?

Mr. Davis: For clarification, would the minister or one of his staff expand on the difference between the 300 resident pupils and the 10 per cent enrolment required for a French-language instructional unit and a French-language section?

Mrs. Carrier-Fraser: In a smaller board you may have 10 per cent of the student population. A 10 per cent francophone population does not necessarily mean there are going to be 300 pupils. It depends on the enrolment of resident pupils within that board. It is 300 or 10 per cent.

Mr. Davis: Okay. It is 300 or 10 per cent. To help me understand,

let us go to the 10 per cent. Can a board create a French-language section by itself, without sharing with another board, with only 10 per cent of its enrolment? If a board has 250 students and 10 per cent are francophones, is that board required to establish a French-language section?

Mr. Steele: If they are enrolled in an FLIU, a French-language instructional unit.

Hon. Mr. Conway: As I understand it, the board has to be operating a French-language instructional unit. If it does, then there must be governance. The numbers become important when we are talking about purchase of service.

Mr. Davis: A French-language instructional unit simply means that board A decides it is going to offer a French instructional unit.

Hon. Mr. Conway: No. It is going to operate it.

Mr. Davis: Yes. It makes that determination, and it does that--I am thinking of a small board--under your understanding, on the basis of 10 per cent enrolment.

Mrs. Carrier-Fraser: No. If a board is operating a French-language instructional unit, it does not matter whether it is a class, a group of classes or a school, or whether there are 12 kids in the school or 200. The number has nothing to do with the French-language section. If the board is operating, it must have a section. No number is applicable. If it is purchasing for 285 or for 10 per cent of the French-language resident pupils, then it has to have a section.

Mr. Davis: If it is a board and it has a full enrolment--

Mr. Chairman: Excuse me, Mr. Davis, we are having a little problem; you are not talking into the mike.

Mr. Davis: I am sorry, Mr. Chairman.

If it has a school with a total enrolment of 250 students, the 10 per cent rule means that if 25 of those students are francophones who wish education in a French-language unit, then that board has to have a French-language section.

Mrs. Carrier-Fraser: Let us take your example: The board has 250 pupils altogether; it has 25 pupils, which is 10 per cent of its population, who are French-speaking. If the board is operating French-language classes for those kids, it automatically has to have a French-language section. If it is purchasing, it would have to establish a French-language section also, but the number applies only in this case.

Numbers have nothing to do with the establishment of a French-language section if the board is operating. If it is operating the school within the board itself, it has to have a section, whether it is 10 per cent, 100 per cent or whatever it is. There is no percentage allocated here. If it operates, it establishes a French-language section. They elect trustees, and those trustees rule or govern those schools.

If it is purchasing, and that applies currently to one board in the

province, the Windsor board, which is purchasing for 285 pupils, it is the number; there is no percentage. In 1988, it will have to establish a section.

Mr. Davis: I am trying to get that 10 per cent clarified. A board that is going to operate one or purchase it, can it purchase for 10 per cent or just one? I am confused about that 10 per cent.

Hon. Mr. Conway: If it is purchasing French as first-language education for 10 per cent of its calculated enrolment, it must have a section.

Mr. Davis: If it has less than 10 per cent, it does not need a section.

Mr. Guindon: However, it must purchase.

Hon. Mr. Conway: The policy issue here is that we do not want a purchase-of-service arrangement to be used to circumvent the intent of the legislation. That is the issue here.

We have simply said, if you are purchasing French as first-language education for 10 per cent of your calculated enrolment, you must have a section. The section leader will decide whether they are going to continue to purchase the education. That is their decision.

The policy issue the committee has to recognize is that we do not want the purchase of service, which is an important and valuable mechanism, to be used in any way to circumvent the basic intent of the legislation, which is that there be governance.

6:10 p.m.

Mr. Davis: If a board is purchasing that service and it represents only nine per cent of its total population, it does not need a French section?

Hon. Mr. Conway: That is right.

Mr. Steele: They need a FLAC.

Mr. Davis: They need a FLAC. Okay. Can a public board purchase the service from a separate school board?

Mrs. Carrier-Fraser: Yes.

Mr. Davis: And the same kinds of things apply. Okay.

If a board purchases from another board, then the other board has to have a French-language section; but so could the purchasing board if it meets those requirements. If it meets them and has a French-language section or a FLAC, is there some mechanism in the bill where it can access the board providing the service so its concerns are expressed?

Mrs. Carrier-Fraser: Yes.

Mr. Davis: That is further on?

Mrs. Carrier-Fraser: It is further on. Section 277p deals with the liaison committee.

Motion agreed to.

Mr. Chairman: Ms. Hart moves that section 277e of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"277e. The French-language section of a board shall govern for the board the French-language instructional units of the board."

Hon. Mr. Conway: This is a technical amendment to clarify the meaning of the section. I do not need to say more than that.

Motion agreed to.

Mr. Chairman: On section 277f, we have dual amendments. Can anybody who has looked over this give me some guidance as to which one we should take first?

Mr. Allen: Take the government amendment first, then I will move my amendment.

Mr. Chairman: Ms. Hart moves that paragraphs 1 and 2 of subsection 277f(1) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"1. The number of members of the French-language section shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board.

"1a. In paragraphs 1 and 2, the "total number of elected members of the board" means the total number of members as determined under section 57 or 58 or subsection 59(2) or subsection 113(2) or as determined by or under another act, as may be appropriate.

"2. The total number of elected members of the board shall not be increased by the creation of the French-language section; the number of other members of the board shall be decreased by a number of members equal to the number of members of the French-language section."

Hon. Mr. Conway: Before Mr. Allen begins, so he can put this in context, I would like Mr. Steele to explain the intent of the amendment, because this gets a little complicated for the uninitiated.

Mr. Steele: The first rule simply guides you in basing the number of minority-language trustees on the proportion of the student body--

Mr. Davis: On a point of order, Mr. Chairman: I need some clarification. It is my understanding that when amendments are to be made, Mr. Allen should now make his amendments, then we either debate Mr. Allen's specific amendments or open it up to debate. I do not know; you may be right.

Hon. Mr. Conway: I am sorry to have intruded. The committee might find it a bit better, and I am quite open.

Mr. Allen: It might well be that the minister would want to come back and even discuss the relevance of his section 1a in relation to my motion.

Hon. Mr. Conway: That is right.

Mr. Allen: It might still be an addition that would be necessary, if it were to pass.

Mr. Chairman: Mr. Allen moves that subsection 277f(1) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"(1) The number of members of the French-language section shall be six, unless the number of voting members calculated according to rule 1 is greater than six, in which case the number of members of the French-language section shall be the higher number.

"(1a) The members of the French-language section have the same powers, duties, rights and responsibilities as the members of the board who are not members of the French-language section except that, with respect to matters of common jurisdiction as determined under section 277k, the number of voting members of the French-language section shall be determined according to the following rules, which shall be applied in order beginning with rule 1:

"1. The number of voting members of the French-language section shall bear the same ratio to the total number of members of the board that the calculated enrolment of resident pupils of the board enrolled in French-language instructional units operated by the board bears to the total calculated enrolment of resident pupils of the board.

"2. The total number of voting members of the board shall not be increased by the creation of the French-language section; the number of other members of the board shall be decreased by a number of members equal to the number of voting members of the French-language section.

"3. If the number of voting members of the French-language section determined according to rule 1 is less than three, the number of voting members of the French-language section shall be three.

"4. If rule 3 applies to determine the number of voting members of the French-language section, the total number of members of the board shall be increased by the number of members equal to the difference between three members and the number of voting members of the French-language section determined according to rule 1.

"5. The number of voting members of the French-language section determined according to rules 1 to 4 shall be corrected to the nearest integer, the fraction one half being raised to the next higher integer.

"(1b) The members of the French-language section shall elect from among themselves the number of voting members determined in accordance with the rules."

Mr. Allen: The purpose of the original section was to calculate the number of members that should comprise a French-language section. After all the calculations were done, the minimum number allowed under the rules as they existed in this section was three. Certain relationships were established between that number and the number of members of the board, and certain conditions were set under which the number three might be increased in proportion to the number of resident pupils as a proportion of the enrolled

French-language resident pupils in relation to the total calculated enrolment of resident pupils in the board.

I was concerned about the minimum number of three for a couple of reasons. The first was that while the French-language advisory committees that were established to govern a circumstance in which there was no delivery of education for French students in the jurisdiction were to number six, it was rather odd that a French-language section that had a much greater responsibility should be numbered only three.

Second, inasmuch as what one is establishing in principle in the context of Bill 75 through the creation of a French-language section is virtually a new board with board responsibilities, it seemed to me it was important to consider the number that was deemed necessary to operate a board under the Education Act. My research at the time indicated to me that was six. If it is not six, I will stand corrected and be prepared to correct the number accordingly.

One little bit of information I have since learned which may qualify that is that I understand one board in the province numbers five. I am not sure how that happens. In any case, that was the intent.

The other consideration was that three members governing variously sized entities or schools obviously had a lot of responsibilities. They had responsibilities that ranged across the whole front of that area of jurisdiction which held to the French-language section and which included a whole range of items which, in effect, were necessary to run a miniature school system. It seemed to me that it was very difficult to constitute the committees of the board that were necessary to operate well and to have all the members who voted within the section equally conversant with the issues and, without forcing them all into their graves at an early date, to make the section function smoothly and harmoniously without unduly overworking the members.

For a number of reasons, it seemed to me the number three was a rather small minimum number.

6:20 p.m.

The final consideration I had in being concerned about that number was, again, the perspective I am bringing to this bill, which is that for many parts of the province it is a transitional mechanism which will eventually feed into larger board structures, through which the French community will govern its own education. It is important to me that under this legislation many members of that community have direct experience in the operation of school boards to make a smoother transition down the road.

With respect to this section, what I did was to state in the first instance that the number of members of the French-language section should be a minimum of six. What I then went on to do was to describe the members who were calculated under the rules of this section as the voting members. I was aware that this section had been worked out very carefully with respect to the problems of voting balances within the boards, so that one should not find oneself in the position where on common matters, for example, suddenly one would have a flip from a French to English, English to French or Catholic to non-Catholic balance that we saw under some of the earlier versions of this act.

What I did was to suggest that the rules for calculating the numbers be applied to the voting members of the French-language section and that those numbers might move upward from three in accordance with those original rules. Finally, under section 1b, I made a provision that the members of the French-language section itself should elect from among themselves the number of voting members who would vote on the common matters in the board, so that those voting balances might be preserved.

Within the context of the French-language section itself, normal voting practices of one member-one vote would prevail and a majority would carry decisions. The voting membership that is described here is voting membership in the common areas of the board.

I think that explains what I have tried to do fairly clearly. It is a fairly simple mechanism, but anyone who gets into the language of trying to get his head around how the rules work has a bit of a headache. That was true of the original bill too, and I was not a party to that problem.

I think the rules work well. All I am doing is applying them to the voting membership of a French-language section, whose number shall be six at a minimum but may be larger if the rules as they apply may increase the voting membership.

Hon. Mr. Conway: I will speak to the government amendments, and I am going to ask Mr. Steele to explain the basis in general.

Before he does that, we have a difference of opinion here. I think it is understandable, but it is a basic difference of opinion on two or three grounds. First, in the discussions I have held with the school community over the past year, I have made it very clear that this legislation was coming and we intended to move as soon as we possibly could. The entire school community has been told that we were going to operate with the basis of a rather low threshold of when the mechanism would trigger and that, from my point of view, one trustee or two trustees was not very acceptable. I felt a minimum of three to carry out the duties that were being considered was appropriate.

We have worked through a fairly elaborate process considering the application of this principle to all school boards across the province. We have ourselves changed position over the past six months, and the section of the bill as amended by the government incorporates the ratio principle. That was not always my own view.

Again, I am not disposed to accept the motion that has been offered by the member for Hamilton West (Mr. Allen), not because it is not well intentioned; it is. I see it as being difficult for a number of reasons, not the least of which is a situation he has already referred to himself by referring to the minimum of six and then the determination made among the group to determine the three who will vote on the common matters. In practical terms, I think that will cause some difficulty in the first instance.

Before we get too far into that, perhaps Mr. Steele can speak to the government amendment so that everyone understands it.

Mr. Chairman: Perhaps before Mr. Steele gets started, we might stop.

Hon. Mr. Conway: I was going to suggest that, but before we do, perhaps he could make a comment. Mr. Allen has given us a very good case. He explained his amendments very well. I would like the committee members to

understand what the government amendment will do and then we can break. Before we do, I think we should take 30 seconds to decide when we are going to meet again.

Mr. Chairman: That is why we were going to stop now.

Hon. Mr. Conway: Can we just give a brief explanation of the amendment?

Mr. Chairman: I will bow to the minister. It is the second time he has been wrong in the past hour. However, I will give him two minutes.

Mr. Steele: Paragraph 1 simply spells out how you determine the number of French-language trustees on a proportional basis. The proportion is simply that if the French-language students account for 20 per cent of the total student Catholic enrolment of the board, then 20 per cent of the seats on the board should be reserved for the French-language trustees. That is the number one thing. If 20 per cent of the Catholic enrolment of the board is made up of students enrolled in the French-language instructional units, then 20 per cent of the seats on the board should be saved for the French-language trustees.

That means that if the act says you should have a 20-person board, then 20 per cent of those seats--that is, four seats--must come off that to be reserved for the people who vote for the French-speaking electors, and the other 16 are on the remaining side of the board.

Mr. Chairman: Thank you. On that note, we have a couple of questions to ask and then we will stop for the day.

The question that is on the minister's mind and probably other people's minds is when we will sit again. We are free to sit next Thursday at 10 a.m. and following question period without any request. It would be my suggestion that the matter of when we sit again, if it is sooner than that, would be left to the House leaders to decide. We would have to get their approval in any event. It is up to the House leaders to make that decision.

Clerk of the Committee: We have to make a request.

Mr. Chairman: Do we have to? The House leaders could make a request that we sit. It is a matter of scheduling for the House leaders. I understand it was not discussed today.

Hon. Mr. Conway: I would accept that direction. It is no secret to the Education critics that this is a matter of priority in that we would like to complete this before the summer session ends.

Mr. Davis: When is the summer session going to end?

Hon. Mr. Conway: Perhaps not until the fall.

Mr. Davis: Why do we not just keep the committee going until it ends?

Hon. Mr. Conway: In fairness to the school community, it is important that we complete this exercise, but I think the chairman's advice is very good and I will be quite happy to follow it.

Mr. Davis: If we complete it early next week, does that mean the session ends?

Hon. Mr. Conway: Parliament shall decide.

Mr. Allen: I am happy to leave it up to the House leaders, but I think you, Mr. Chairman, representing this committee, ought to push the House leaders for some additional sitting time next week. Bear in mind that we do not sit again otherwise until next Thursday morning and afternoon and then we do not meet again after that until the following Thursday morning and afternoon. The second Thursday morning and afternoon will be too late for us to do anything. We have at least one good, solid day and some to put in on this bill yet. For us to get it into the House two weeks down the road, which is what we ought to be aiming for without fail, we need to have some sitting time next week.

Can you--

Mr. Chairman: Convey that? Yes.

Hon. Mr. Conway: I will certainly convey that.

Mr. Chairman: If you can convey that message to your House leader, the minister will do it for the government House leader and I will talk to our House leader.

There is one more thing I request of you. For scheduling purposes, last week I asked that you indicate to the clerk what month of the next three you would like to sit on committee.

Hon. Mr. Conway: Do I have a choice?

Mr. Chairman: July, August or September. You can speak to the clerk afterwards. Have a pleasant evening.

The committee adjourned at 6:30 p.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

EDUCATION AMENDMENT ACT

WEDNESDAY, JULY 9, 1986



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G. R. (Dufferin-Simcoe PC)

VICE-CHAIRMAN: Dean, G. H. (Wentworth PC)

Bryden, M. H. (Beaches-Woodbine NDP)

Cousens, W. D. (York Centre PC)

Guindon, L. B. (Cornwall PC)

Hart, C. E. (York East L)

Henderson, D. J. (Humber L)

McKessock, R. (Grey L)

Newman, B. (Windsor-Walkerville L)

Pollock, J. (Hastings-Peterborough PC)

Pouliot, G. (Lake Nipigon NDP)

Substitutions:

Allen, R. (Hamilton West NDP) for Mr. Pouliot

Bernier, L. (Kenora PC) for Mr. Pollock

Davis, W. C. (Scarborough Centre PC) for Mr. Cousens

Johnson, J. M. (Wellington-Dufferin-Peel PC) for Mr. Dean

Poirier, J. (Prescott-Russell L) for Mr. Newman

Clerk: Deller, D.

Staff:

Revell, D. L., Legislative Counsel

Witnesses:

From the Ministry of Education:

Conway, Hon. S. G., Minister of Education and acting Minister of Government Services (Renfrew North L)

Carrier-Fraser, M., Assistant Deputy Minister, Franco-Ontarian Education

Mitchell, W. T., Director, Legislation Branch

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Wednesday, July 9, 1986

The committee met at 4:25 p.m. in committee room 2.

EDUCATION AMENDMENT ACT
(continued)

Consideration of Bill 75, An Act to amend the Education Act.

On section 9:

Mr. Chairman: Let us try to review where we are. We had a package of amendments from the ministry. We were on page 13, at the bottom, and we also had introduced another amendment from Dr. Allen, which was on page 9 of his submission. We discussed the ministry amendment and we were on Dr. Allen's amendment. Now the ministry wants to change its amendment. I am not sure what that means. Dr. Allen might help us.

Mr. Allen: I can probably help us considerably, as is my wont.

At the end of the last day's session, I gave a fairly lengthy defence of the amendment that I put to subsection 277f(1). All the reasons I gave then still stand. None the less, when I gave them I was under the impression we were going to be here next week, so when I got back from a little trip yesterday and discovered we were talking about closing shop tomorrow, I had to be very concerned about the amount of time we were going to take to deal with a very significant number of amendments remaining.

To put the matter briefly, I hope we will be able to come back to the questions of numbers of the French-language sections and review them in the light of the experience of perhaps a year or two of implementation of Bill 75. I do not want to take the time of this committee, which sits at somewhere in the order of two hours at this time, with a fairly controversial amendment, so I am standing it down.

Mr. Chairman: Dr. Allen's amendment to subsection 277f(1) is withdrawn. I understand that brings us back to the ministry amendment, which the ministry wishes to change. We should hear from Ms. Hart.

Ms. Hart: I wish to withdraw what I read for section 9, paragraphs 1 and 2 of subsection 277f(1), at the previous meeting and move another amendment.

Mr. Chairman: Ms. Hart moves that paragraphs 1 and 2 of subsection 277f(1) of the act, as set in section 9 of the bill, be struck out and the following substituted therefor:

"1. The number of members of the French-language section shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board.

"1a. In rules 1 and 2, the 'total number of elected members of the

board' means the total number of members as determined under section 57 or 58 or subsection 59(2), without regard to subsection 59(4), (5) or (6), or subsection 113(2), without regard to subsection 113(4), or subsection 116(2) or as determined by or under another act, as may be appropriate.

"(2) The total number of elected members of the board shall not be increased by the creation of the French-language section; the number of other members of the board shall be decreased by a number of members equal to the number of members of the French-language section."

Hon. Mr. Conway: This is a very technical amendment recommended by legislative counsel to be sure that the intent is absolutely clear. Perhaps Don Revell will comment on the specific nature of that technicality.

Mr. Revell: The concern is about how you determine the total number of elected members of the board. Unfortunately, there are certain references in subsection 59(2) of the act to subsections 4, 5 and 6, which complicate the calculations. Likewise, there is a complication under subsection 113(2).

We have made specific reference to eliminating the provisions that would complicate our calculations. There is now a reference to subsection 116(2), which was put in on the advice of ministry representatives. Subsection 116(2) deals with schools in the Ottawa area; the Ottawa Roman Catholic Separate School Board "shall consist of 16 trustees."

This was put in on the chance that nothing happens between now and 1988, but it is believed there will be amendments to deal specifically with the Ottawa board at a later time. We could not leave this issue outstanding at this time. We had to deal with the whole issue to have a complete picture.

Mr. Chairman: Any further discussion? All in favour of the amendment?

Motion agreed to.

Mr. Chairman: Dr. Allen, with which amendments in your package are you going to proceed, starting with page 10?

Mr. Allen: You can strike out the amendments on pages 10 and 11, which are not at all necessary, given what we did earlier in the bill. None the less, I would like to proceed with some aspect of the one on page 12.

Mr. Chairman: Not at this point. Let us do them page by page.

Mr. Allen: Pages 12 and 13 are really together. I will then strike out everything up to page 19, and will look at 19 later.

Most of those amendments relate, in one way or another, to what we did with regard to the definition of "French-language instructional unit," as well as the way we handled the section 23 charter rights earlier in the bill. Those amendments are all irrelevant at this point.

Mr. Chairman: We have a ministry amendment to section 9.

Ms. Hart moves that subsection 277f(2) of the act, as set out in section 9 of the bill, be struck out.

Motion agreed to.

Mr. Chairman: Next, I have a ministry amendment to section 277i.

Mr. Davis: I have an amendment.

Mr. Chairman: You just got here in time.

Mr. Davis: I thought I did.

Mr. Chairman: Any further amendments to section 277f?

Mr. Davis: I have an amendment to subsection 277f(2). Very quickly, I would like the minister or one of the staff members to inform me as to the rationale in which, in the original government amendments--

Mr. Chairman: Excuse me just a moment. In your absence, subsection 277f(2) was struck from the bill.

Mr. Davis: Thank you. I will not bother raising it. Keep going.

Hon. Mr. Conway: Let us be clear on that.

Mr. Chairman: It is quite clear in print.

Mr. Davis: Can the minister explain that to me? He struck out that subsection. Therefore, do the boards stay the same?

Mr. Revell: Perhaps I can throw some light on this. We have struck out subsection 277f(2), but the basic concept which deals with representation of various areas within a school board's jurisdiction has been transferred from subsection 277f(2) to what will be a new 277ib, which is on page 3 of the amendment that was handed out today dealing with section 277i.

Mr. Chairman: That is coming up.

Mr. Davis: I will raise it then.

Mr. Chairman: As I was saying, the next amendment I have is to section 277i. Are there any amendments before section 277i?

Mr. Davis: What page are you on?

Mr. Chairman: Page 10.

Mr. Davis: Are you using the ministry's latest amendments?

Mr. Chairman: I am going from this one.

Mr. Davis: The original package.

Hon. Mr. Conway: We have recommended changes. We will be advancing a new section 277i, which was circulated earlier today to all members.

Mr. Chairman: Shall section 277f, as amended, form part of the bill? Carried. Sections 277g and 277h? Carried.

The ministry has a new amendment to section 277i, which means that page 15 in the document we have is deleted. We will hear from Ms. Hart.

Ms. Hart: Do you wish me to read it? It is three pages long.

Mr. Chairman: Probably the committee would accept it as printed.

Mr. Allen: We need time to read it in any case.

Hon. Mr. Conway: What we have done is respond to the concerns identified last time by the member for Scarborough Centre (Mr. Davis) about public consultation with respect to electoral zones within the jurisdiction.

Mr. Chairman: If you would not mind, maybe to read it would be the best way to get the gist of it.

Mr. Davis: May I have a point of clarification? I am sorry to belabour this point, but we do have an amendment. When they struck out subsection 277f(2), our concern was that we had an amendment to make so that there would be no reduction of the board size, that the francophone representative would simply be added to it. My understanding from legislative counsel was that was transferred to the new section 277i.

Mr. Revell: To section 277ib on page 3 of the material handed out. The old subsection 277f(2) dealt with areas to be represented. You will notice that section 277ib deals with exactly the same idea, areas to be represented.

4:40 p.m.

Mr. Davis: I read here, "I move that paragraphs 1 and 2 of subsection 277f(1) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor." That would be in subsection 277f(1).

Mr. Revell: Yes.

Mr. Davis: "The total number of elected members of the board shall not be increased by the creation of the French-language section."

Mr. Chairman: What are you reading? We passed that one away back.

Mr. Davis: We did not pass it until we passed it today. If I can read it, maybe legislative counsel can tell me where it fits in. I think it fits into section 277f. The reason I agreed to it being passed without introducing it was that legislative counsel suggested it appeared in section 277ia. I do not know whether legislative counsel has a copy of our amendment. It says:

"The total number of elected members of the board shall be increased by the creation of the French-language section; the number of other members of the board shall not be decreased as a result of the creation of the French-language section."

Where does that fit in?

Hon. Mr. Conway: I just want to be clear. The point to which you make reference in the amendment to subsection 277f(2) has been dealt with in subsection 277ib(1).

Mr. Revell: I think we are dealing with different points here. It might need some clarification. When Mr. Davis moved to replace the government

motion with the striking out of subsection 277f(2), there was already a government motion to do that.

Mr. Davis: No.

Mr. Revell: It is a separate motion. Subsection 277f(2) dealt with the areas-of-representation issue from the outset. In restructuring the motion, it was decided to move it further back in the bill to deal with the structure of the French-language section and its areas of representation and then to deal with the areas of representation for the other members of the board. That is all I was talking about there.

The question is, where is it in order to deal with this motion. If this is to be dealt with, it should be added as a new section following section 277ib, so it would become section 277ic. That would be quite in order.

Mr. Davis: That is fine.

Hon. Mr. Conway: That is the point I was getting to. The question of areas of representation was moved from subsection 277f(2) to subsection 277ib(1). Your issue deals not so much with the areas of representation, but with the overall size of the board.

Mr. Davis: Correct. That is fine. I have that clear.

Mr. Chairman: Ms. Hart moves that section 277i of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"277i(1) The members of the French-language section of a board shall be elected in accordance with this section by the persons qualified to vote for members of the French-language section of the board.

"(2) Subject to subsections 3 to 7, the members of the French-language section of a board shall be elected by general vote.

"(3) For the purposes of electing the members of the French-language section of a board at the regular election to be held in 1988 and for filling vacancies before December 1, 1991, where a board has a French-language advisory committee or a French-language education council, the committee or the council, as the case may be, may divide the area of jurisdiction of the board into electoral areas and determine the representation for each electoral area.

"(4) For a regular election to be held in 1991, or thereafter, where a board has a French-language section, the section may divide the area of jurisdiction of the board into electoral areas for the purposes of electing the members of the next section and for filling vacancies therein and determine the representation for each electoral area.

"(5) Before passing a resolution under subsection 3 or 4, the French-language advisory committee, French-language education council or French-language section of a board, as the case may be, shall hold at least one public meeting at which French-speaking ratepayers shall be given an opportunity to make representations on the proposed electoral areas.

"(6) Following the public meeting or meetings held under subsection 5, the electoral areas may be fixed as originally proposed or with such

amendments as the committee, council or section of a board, as the case may be, considers appropriate and without holding any further public meetings.

"(7) Where electoral areas have been established for an election, the members of the French-language section shall be elected by general vote in each electoral area.

"(8) A resolution to establish electoral areas is of no effect unless it is passed before the first day of August in the year of the regular election to which it relates and unless before that date a certified copy of the resolution is delivered to the clerks of the municipalities responsible for conducting the nominations of the other members of the board.

"(9) The clerk of a municipality shall adjust a boundary of an electoral area so as to prevent the division of polling subdivisions established for the election.

"(10) The election of members of a French-language section of a board shall be conducted by the same officers and in the same manner as elections of members of the council of a municipality.

"(11) Where the area of jurisdiction of a board includes more than one municipality or includes territory without municipal organization, the nominations of the members of the French-language section of the board shall be conducted by the same municipal clerk as conducts the nominations for the other members of the board and the clerks of the municipalities shall perform the same function as returning officers as they do with respect to the election of the other members of the board.

"(12) For the purpose of performing the function of returning officer, the secretary of the board shall be the clerk of each part of territory without municipal organization in the area of jurisdiction of the board that is deemed to be a district municipality for school purposes.

"(13) The clerk described in subsection 8 shall provide to the clerks of the other municipalities, if any, in the area of jurisdiction of the board such information as is required by them to conduct the election of the members of the French-language section of the board.

"277ia. Sections 183 and 184, except subsection 184(11), apply with necessary modifications to a French-language section of a board.

"277ib(1) Where a board is required to have a French-language section and the areas to be represented by members of the board are fixed by or under this or any other act, the minister, after considering the recommendations, if any, of the board, may by order,

"(a) change the areas to be represented by one or more members of the board who are not members of the French-language section; and

"(b) prescribe a different method of determining the areas to be represented by one or more members of the board who are not members of the French-language section.

"(2) A member of a French-language education council or a French-language section of a board shall not vote on any recommendations that the board proposes to make under subsection (1)."

Hon. Mr. Conway: I thought the member for Scarborough Centre (Mr. Davis) made good sense on this section the other day in drawing to our attention that no change should be made of the zones within a jurisdiction without public consultation with the affected ratepayers. The reason we have this amendment today is that we chose to accept the member's good advice. Subsections 277i(5) and (6), which incorporate that advice, are different. In all other aspects it is the same as it was before.

Mr. Davis: If the minister were to put his kind words in writing and forward them to my leader, I would appreciate it.

Mr. Chairman: You can get them from Hansard.

Hon. Mr. Conway: I would be happy to facilitate the member. He has been very constructive and helpful in other exercises on many occasions and has materially improved the process and the end result.

Mr. Chairman: You want to leave tomorrow, too. Shall the amendment carry? Carried.

As I understand it, we just went through a period of confusion. Paragraph 277f(1)2 which Mr. Davis was talking about is at the top of page 9 of the bill. We need unanimous consent to go back to that section. Mr. Davis was directed to consider subsection 227f(2), just above section 277g, which is the one we struck out. Can we have unanimous consent to go back to that item? Agreed.

4:50 p.m.

Mr. Davis moves that paragraph 2 of subsection 277f(1) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"The total number of elected members of the board shall be increased by the creation of the French-language section; the number of other members of the board shall not be decreased as a result of the creation of the French-language section."

Mr. Davis: In the consultations I had as Education critic for my party with public school boards across the province and the various organizations and concerns, I found in some jurisdictions the possibility that a number of elected public trustees who now serve will find themselves no longer representing an area because of the division of responsibility, and the area will be represented by a francophone.

I am responding to their concern that the present number of public trustees on a board, and I guess some of the separate school trustees, will not be dislocated because of the extension of the French-language sections. The number of French-language sections, which in the minimum case is three and can be higher than that, would simply be added to the present complement.

Hon. Mr. Conway: On behalf of the government, I will indicate very quickly that we do not favour the member's amendment on a number of grounds.

First, it is important for all to understand that we are talking about the jurisdiction of the board in these cases. We feel it is very important that the French-language council or section be an integral part of the board. Therefore, in the proposal we have tried to the best of our ability to

integrate on the proportional concept the French-language council and, later, the section.

Second, this is also a matter of what we consider to be the appropriate size for boards. The discussions I have had for many months with the education community have often focused on the difficulties that add-ons present in terms of board sizes. We looked at the add-on concept in previous situations, and in a number of cases in the province, it produced boards that were substantially increased in size and, in my view, would not seem very acceptable at the local community level and would be unruly in terms of that size.

I appreciate the member's concern, but I repeat that the government does not favour this proposal.

Mr. Allen: I appreciate the concern the member has raised in making the amendment, but I think we are all aware that the ministry is going to be engaging in a review of representation on boards in the near future and will want to look at all these balances and so on. Inasmuch as I am aware of the amount of time that went into devising the set of proportions that is worked out in the body of section 277f, I am reluctant to support the amendment.

Hon. Mr. Conway: It is also important that the member for Scarborough Centre seemed to leave the impression that under the provisions of the bill as now written, a public school anglophone ratepayer could find himself represented by a francophone. If that is the impression, I want to set it aside, because all that will take place is that there will effectively be a redistribution in the majority panel of the board to ensure that there is appropriate representation.

Mr. Davis: I disagree with the minister. It is interesting to note that, as I have stated in the past, Bill 75 is almost word for word the same as Bill 28, which was the previous government's bill. The amendment I read was in both Bill 60 and Bill 28, so there must have been some understanding of what its implication was. It has changed, and our party is being consistent in the direction we were taking.

Hon. Mr. Conway: You can vote now, Mr. Davis.

Mr. Chairman: That having been said, all those in favour of the amendment? All those opposed? The amendment does not carry. Shall section 277j carry? Carried.

Ms. Hart moves that paragraphs 3, 4 and 5 of subsection 277k(1) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"3. Admissions committees under subsection 258(6a) and section 273.

"4. The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a French-language instructional unit.

"5. The recruitment and assignment of teachers and administrative and supervisory personnel for French-language instructional units.

"6. Entering into agreements under section 159 (provision of accommodation or services to another board), 161 (furnishing or obtaining education for pupils), 162 (public and separate school boards), 163

(furnishing or obtaining secondary school education for pupils) or 165a (adult basic education) in respect of pupils in French-language instructional units."

Hon. Mr. Conway: These amendments seek to clarify the areas of exclusive and common jurisdiction.

Mr. Chairman: Would you call them technical?

Hon. Mr. Conway: No. There is a policy import in one case. Perhaps Mrs. Carrier-Fraser would care to speak to that quickly.

Mrs. Carrier-Fraser: I believe admissions committees were discussed previously in committee.

In paragraph 4, we have removed the phrase "other than the provision of religious education and religious exercises." It was felt that the French or majority language section of the board should have exclusive jurisdiction over programs. If they operated the school, they would operate the whole school and have direct responsibility for everything that went on in it, including opening exercises and things of that nature. That is what this change does.

Mr. Davis: Would the ministry official explain that again?

Mrs. Carrier-Fraser: The French or majority language section of the board would have exclusive jurisdiction over the provision of religious education and religious exercises within the school it administers.

Mr. Davis: Does that mean a French-language section in a separate school jurisdiction would have total responsibility for the delivery of religious education, or would it be the responsibility of the separate school board?

Mrs. Carrier-Fraser: It would be the responsibility of the French-language section.

Mr. Davis: Does that apply to an anglophone board as well?

Mrs. Carrier-Fraser: Yes.

Mr. Chairman: Any further discussion? All those in favour of the amendment? Carried.

Ms. Hart moves that subsection 277k(2) of the act, as set out in section 9 of the bill, be amended by inserting after the word "board" in the second line the words "and its members." Any discussion?

Hon. Mr. Conway: Again, it is entirely technical.

Mr. Chairman: All those in favour? Carried.

5 p.m.

Ms. Hart moves that paragraphs 3, 4 and 5 of subsection 277k(2) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"3. The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a school or class that is not a French-language instructional unit.

"4. The recruitment and assignment of teachers and administrative and supervisory personnel for schools and classes mentioned in paragraph 3.

"5. Entering into agreements under section 159 (provision of accommodation or services to another board), 161 (furnishing or obtaining education for pupils), 162 (public and separate school boards), 163 (furnishing or obtaining secondary school education for pupils) or 165a (adult basic education) in respect of pupils in a school or class that is not under part XI."

Hon. Mr. Conway: This is the flip side of the earlier amendment to ensure that the jurisdiction of the other part of the board is consistent with the minority section. I want to be clear that the corresponding section of the board operates under the same rules as the minority section. It is a complementary amendment.

Mr. Davis: For quick clarification, paragraph 4 states, "The recruitment and assignment of teachers and administrative and supervisory personnel for schools and classes mentioned in paragraph 3," which is the French-language instructional unit. Does that give the French-language section the right to recruit and assign teachers exclusively without any consultation with the director of education?

Mrs. Carrier-Fraser: No, because the director of education is responsible for the French-language section and for the other members of the board. The director is the director for both sections, not only for--

Mr. Davis: May I then assume that this recruitment and assignment by the French-language section would be done in consultation and co-operation with the rest of the board as it goes about its hiring practices? It is not set up and done by itself.

Mrs. Carrier-Fraser: The recruitment and assignment of teachers is the responsibility of the French-language section or, if you have an English-language section, it is the responsibility of the English-language section. It is not the responsibility of the whole board.

Hon. Mr. Conway: In this amendment, remember, we are talking about that part of the board that is not the French-language instructional unit, presumably; it is the anglophone majority part of the board.

Mr. Davis: Which one?

Hon. Mr. Conway: The amendments in this section now before us in subsection 277k(2), which is the majority section, if you want to use that language.

We are saying here, "The planning, establishment, implementation and maintenance of programs and courses for pupils enrolled in a school or class that is not a French-language instructional unit," because the earlier amendments set out the areas of jurisdiction for the French-language instructional unit.

Mr. Davis: All the matters within section 277k are within the exclusive jurisdiction of the French-language section of the board. Correct?

Hon. Mr. Conway: That is in subsection 277k(1). We are in subsection 277k(2) now.

Mrs. Carrier-Fraser: Subsection 277k(2) is prefaced with "The following matters are outside the jurisdiction."

Mr. Davis: The minister may be able to answer quickly the question I have. Does the French-language section have the right to negotiate salary contracts and staffing of teachers outside of the rest of the board? Therefore, you would have two groups with two contracts in a given board, even though the French-language section is responsible for that section.

Hon. Mr. Conway: I will let Bill Mitchell from the legislation branch deal with that.

Mr. Mitchell: You will see that within the exclusive areas of jurisdiction in both subsections 277k(1) and (2), there is the recruitment and assignment of teachers, but it does not specifically mention collective negotiations. In our view, collective negotiations is a total board responsibility under subsection 3. In other words, it is in that area of common jurisdiction between the two parts of the board.

Mr. Davis: That is fine. That answers my question. That is how you perceive it?

Mr. Mitchell: Yes. However, if both parts of the board agree, we also see the possibility within the context of this bill to move it from the area of common jurisdiction to the area of exclusive jurisdiction. In the first place, we see it as a total board responsibility.

Mr. Davis: Both sections of the board have to agree to that move?

Mr. Mitchell: Yes.

Mr. Davis: That would have to have ministry approval as well?

Mr. Mitchell: No.

Hon. Mr. Conway: Double majority.

Mr. Davis: You would have same problem that the Carleton Roman Catholic Separate School Board has. There are two separate contracts in the separate school end.

Mr. Mitchell: In any event, the School Boards and Teachers Collective Negotiations Act provides for collective agreements between the board as one party and the branch affiliate as the other party.

Mr. Davis: That covers my concern.

Mr. Guindon: Has the ministry foreseen any problems that could happen in a board that would have part of its negotiations with the Ontario Secondary School Teachers' Federation and part with l'Asssociation des enseignants franco-ontariens?

Mrs. Carrier-Fraser: That is going on now. They are doing that now.

Mr. Mitchell: That goes on right now. Under Bill 30, with the extension of separate school boards, that may become increasingly prevalent. The Education Relations Commission is grappling with that issue at this very moment. The short answer to your question is yes. Does that help?

Mr. Guindon: You do not have the solution but you are working on it. Is that it?

Mr. Mitchell: The Education Relations Commission, as part of its mandate, is working on it.

Mr. Allen: I do not want to prolong the discussion. It happens in a certain way. It happens by virtue of combining the negotiations with the Federation of Women Teachers' Associations of Ontario or with the elementary or secondary panels, depending upon what negotiations are in progress at the time, and the negotiations with the appropriate group of AEFO associates. It is a matter of an ad hoc and practical arrangement at this point rather than of anything that is regular or consistent through the system. That is the problem. It is something we have to come back to and look at in its own right at another time. Unfortunately, it is a rather involved issue to tackle in the context of the bill at this time.

Motion agreed to.

Mr. Chairman: Ms. Hart moves that subsections 277k(3) and (4) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"(3) In respect of any matter not referred to in subsection (1) or (2), including the employment of the director of education, a member of the French-language section of a board has the same powers, duties, rights and responsibilities as a member of the board who is not a member of the French-language section.

"(4) The following rules apply with respect to quorums where a board has a French-language section:

"1. The presence of a majority of all the members constituting the board is necessary to form a quorum when dealing with a matter that is not a matter to which paragraph 2 or 3 applies.

"2. The presence of a majority of all the members of a French-language section of a board is necessary to form a quorum when dealing with matters within the exclusive jurisdiction of the French-language section of the board.

"3. The presence of a majority of all members of a board who are not members of the French-language section of the board is necessary to form a quorum when dealing with matters outside the jurisdiction of the French-language section of the board.

"4. Where the board is a board of education and the board, other than the French-language section, is composed, in part, of members who are elected by separate school electors, for the purposes of paragraph 3, when dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board by the public school electors is necessary to form a quorum.

"5. Subsection 184(11) does not apply.

"(5) If a majority of the members of the French-language section of a board and a majority of the other members of the board each resolve that a matter that is a centralized service, as defined in subsection 277l(6), shall be within the exclusive jurisdiction of the French-language section of the

board or outside the jurisdiction of the French-language section of the board and its members, subsections (1) and (2) shall be deemed to be modified accordingly in respect of the board, and the secretary of the board shall transmit to the minister notice of the change of jurisdiction.

"(6) A resolution passed under subsection (5) shall cease to have effect at the end of the term of the members in office when the resolution was passed unless a majority of the members of the French-language section of the board and a majority of the other members of the board resolve that it shall cease to have effect at an earlier date."

Hon. Mr. Conway: The proposals in subsection 3 make it clear that the employment of the director is the responsibility of the whole board. We are now proposing in section 277k(4) an amendment that provides clear statements concerning the quorum provisions for meetings of the whole board and meetings of both parts of the board where the board has a section. This makes the quorum provisions clear.

Motion agreed to.

5:10 p.m.

Mr. Chairman: Shall section 277k, as amended, carry? Carried.

Ms. Hart moves that clause 277l(6)(a) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"(a) salaries, benefits and professional development of employees but excluding employees whose recruitment and assignment is specified in this part as either within the exclusive jurisdiction of the French-language section of the board or outside the jurisdiction of the French-language section of the board and its members."

Hon. Mr. Conway: This is a technical amendment for language purposes to clarify the intent of the section.

Mr. Chairman: Is there any discussion? Shall the amendment carry? Carried.

Shall section 277l form part of the bill? Agreed.

Ms. Hart moves that subsection 277m(1) of the act, as set out in section 9 of the bill, be amended by striking out "properly" in the fourth line.

Hon. Mr. Conway: We had discussions with the school administrators and, on the basis of their advice and reconsideration within the ministry, it was felt the word "properly" did not add much so we took it out.

Mr. Allen: It was properly dispensed.

Hon. Mr. Conway: Exactly.

Mr. Chairman: Is there any discussion? All in favour. Carried.

Shall section 277m, as amended, be part of the bill? Agreed.

Ms. Hart moves that subsection 277n(2) of the act, as set out in section 9 of the bill, be amended by striking out "1985" in the third line and inserting in lieu thereof "1986."

Shall that carry? Carried.

Shall section 277n form part of the bill? Agreed.

Section 277p--

Hon. Mr. Conway: Again--

Mr. Chairman: We should first hear from Dr. Allen on this one.

Clerk of the Committee: What about section 277o?

Mr. Chairman: Shall section 277o form part of the bill? Agreed.

Section 277p.

Hon. Mr. Conway: I wanted to indicate that we drafted this amendment on the basis of recommendations made by Dr. Allen and Mr. Davis.

Mr. Chairman: Is there an easy way to handle this?

Mr. Allen: May I comment?

Mr. Chairman: We have not put the amendments. That is our problem. Is anybody withdrawing either of theirs?

Hon. Mr. Conway: This is a government amendment and perhaps it should be read in. Before it is, it was agreed earlier that the representations made, particularly by Dr. Allen with support from Mr. Davis, were favourably looked upon by the government. This government amendment was drafted to incorporate that good advice.

Mr. Chairman: That does not help me much.

Mr. Allen: The first step would be to read in the government's amendment, which alters the bill in what the government intends to offer. Further amendment or discussion could then take place on that.

Mr. Chairman: Ms. Hart moves that section 277p of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"277p(1) Any two or more committees established by boards under part XI or French-language sections of boards, or any combination of such committees and French-language sections, may establish a liaison committee.

"(2) A liaison committee may consider and make recommendations to the French-language section of a board or to the committee established by a board under part XI on any matter that affects French-language education."

I also have an amendment from Dr. Allen.

Mr. Allen: My concern with the government amendment has to do with some aspects of wording, description and a single omission. First, I would like to hear from the ministry why what are now called the French-language education councils were left out of the liaison committee option. Was that an intentional decision or was it an oversight on their part?

Mrs. Carrier-Fraser: They are included later on when we deal with the interim measures under French-language education council because this section dealt only with French-language advisory committees and French-language sections and we have put it in here.

Mr. Allen: I recall. I read that the other night. You cover it later on and opt the council in.

Mrs. Carrier-Fraser: Yes.

Mr. Allen: My other question refers to the language at the end of part 3 in my amendment where it says, "Matters specified to be within the exclusive jurisdiction of the French-language section of a board under part XI-A," is in your eyes the equivalent of any matter under part XI relating to French-language education in general.

Mrs. Carrier-Fraser: Yes.

Mr. Allen: Therefore, there is no problem there.

May I anticipate what I am suggesting in my next amendment, which really ought to be moved with respect to this one? It has to do with our language reference, that is, what we call French-language sections and French-language education councils in the bill and what in this amendment remains totally nameless, namely, this liaison structure.

My problem is that I believe these liaison groups will become increasingly important in the discussion, debate and flow of educational ideas and proposals into the French-language sections in particular. This liaison structure provides the opportunity for regional groups of French-language advisory committees or French-language education councils, as the case may be, and the French-language sections to work over policy issues.

My concern is that such a body ought to have an appropriate name. The name I think it ought to have is essentially the one that has been given to a very interim, ephemeral body known as the French-language education council, which will disappear after two years. Why should one give it any kind of dignity as a council? To my way of thinking, that kind of name is not appropriate for that body. I know it was difficult to come up with a name that did not leave you with some confusion as to whether one was talking about the interim French-language sections or the permanent French-language sections. That was the problem.

My response to all that is to suggest that the ministry might seriously consider adopting language that described the interim body as that, an interim French-language group, and that the liaison groups struck by this section of the bill not be called simply some nondescript liaison committee. They should become something that has the dignity of a name, namely, regional councils for French-language education, or if one wanted to add the words, regional consultative councils for French-language education. At least they should be known by something. I suggest that they have a significant name that accords with the importance of the work that will be done in those bodies.

My proposed amendment to this section is not to its substance but to the language that is used. If you prefer, Mr. Chairman, I would be prepared to deal with this section in terms of its original language and frame that as another motion pertaining to the bill as a whole, wherever those terms are used.

Hon. Mr. Conway: I hear what the member is saying. In this process we are establishing a number of new words. In the first instance, we are going to have the educational councils. We are going to have the French-language advisory committees. In some cases, we are moving towards French-language sections. It seems to me that, with the proposals for amendments we have made, what we want to do in this section is to recognize the importance of linkage and liaison. That is the principle to which the core of the amendment speaks. It seems to me we have done that.

5:20 p.m.

The nomenclature also has the potential to confuse. I can see words that might inadvertently offend but, more importantly, just confuse.

As all members know, when you go out into the community to talk to your friends about French-language education councils, English-language advisory committees, French language services and English language services, it is quite a dizzying experience for those who are not seized of the wonderful language of the standing committee on general government, or of education spokespeople in various communities.

I say to the member for Hamilton West (Mr. Allen) that the key to this is the point that has been so well made by committee members for some time: the importance of liaison and linkage. I believe we have that. With regards to nomenclature, I am perfectly comfortable with the idea of the liaison committee, because that is essentially what these groups will do. We tried, in the rewording, to accommodate that in the most expansive way we could.

I might also put in a word for the experience we will gain as these things evolve. We had a similar effort on the public and separate school side, after the same kind of discussion. I want to repeat that this experience will benefit us in some of these areas. As well, we are, with the amendment, accomplishing what all of us want done: the liaison and linkage between the involved parties.

Mr. Allen: My only response is that part of the confusion of language, at least in English, is French-language advisory committees and French-language education councils. I am getting rid of FLECs for the minister.

Hon. Mr. Conway: My sense is that various communities may decide they have their own phrases to apply to this. Once we have established the contact, we can develop a bit of experience to see how it works out.

The member for Hamilton West is quite right. In a year or two, we are going to have certain language available to us because an interim phase will have dropped away. FLECs will no longer be in business.

Mr. Allen: The only thing I like about the French rendition of my proposal is that we could render this "clef." That would be a very significant term for such an important emerging body as a French-language regional educational council.

Hon. Mr. Conway: Not having such a Jesuitical mind, Mr. Chairman, I will not comment.

Mr. Chairman: I remind Dr. Allen that his amendment has not been put.

Mr. Allen: I was awaiting your instructions as to whether I should

proceed with this amendment to the amendment, or whether I should do it separately.

Mr. Chairman: If you wish it to be considered, you should put it now.

Mr. Allen: I move that the terminology of subsections 277p(1) and (2), and any other parts of the bill where the terms arise, be revised so that "French-language"--no. As I read this again, Mr. Chairman, I cannot make an amendment to this. It has to be a separate amendment.

My original wording referred to a French-language educational council. I worked from there to the new terms. I will make a motion regarding that language. I will not argue with these; I will simply put it.

Mr. Chairman: All we have before us now is the ministry amendment to section 9 of the bill, section 277p. Shall that amendment carry?

Motion agreed to.

Mr. Chairman: Mr. Allen moves that in all parts of the bill--

Excuse me just a moment. As I read your amendment, are you talking about sections 277u to 277y, as set out in your next amendment?

Mr. Allen: No. I would have to alter that now to include some other sections that also include this language. It would not be just sections 277u and 277y. There would have to be other sections, but the principle would be the question involved.

Mr. Chairman: Can you alter this one for us? We will not get to it for a few moments. Can you alter it to encompass that so we have it in writing?

Mr. Allen: Probably.

Mr. Chairman: Would that seem to be the appropriate way to handle it?

Hon. Mr. Conway: Yes. We would be quite happy to have that done, but this does take us back into that whole nomenclature and definitional debate we had earlier. It is perhaps just a little more complicated in its application in terms of both the bill and the amended act.

Mr. Chairman: Can we just go on? We passed the amendment--or did we?

Mr. Allen: Perhaps the simplest thing for me to do would be to move to amend the government motion, which just passed, by adding the term, "may establish a liaison committee which shall be known as a regional council for French-language education."

Mr. Chairman: Do we need unanimous consent to put an amendment to a section that is passed?

Mr. Allen: Probably.

Hon. Mr. Conway: The question now before the committee is the amendment to section 277p.

Mr. Chairman: No, not really, because we do not know what the amendment is.

Mr. Allen moves that subsection 277p(1) of the act, as set out in the government amendment to the bill, be amended by adding after "liaison committee" the words "which shall be known as a regional council for French-language education."

First, we need the unanimous consent to revert to consider the item.

Agreed.

Mr. Allen: My arguments have all been put. They are simply that I believe this liaison body is more important in its function and role and ought to have a more appropriate name than simply be known as a liaison committee.

Mr. Chairman: Is there any discussion?

Hon. Mr. Conway: In response to that, I have real problems because to call a liaison committee a regional educational council is confusing and misleading.

Mr. Allen: To that very fine point, may I alter my amendment simply to say "a liaison body" so that the amendment would begin after "liaison"?

Mr. Chairman: As I understand it, your amendment would now read that "two or more boards, upon the request of the French-language sections of the boards, may establish a liaison body--

Mr. Allen: --"which shall be known as a regional council for French-language education." Then my motion would have to continue into subsection 2. "A liaison committee" would have to then read, "A regional council for French-language education may consider and make recommendations."

5:30 p.m.

Mr. Davis: Would that regional council be able to make that kind of liaison committee with any region in the province?

Mr. Allen: That would be within a given region: adjacent French-language advisory committees, French-language sections, adjacent French-language education councils presumably, given the later amendment to the bill. It would be able to consolidate its activities in a consultative way as it saw fit. It could come into play regionally.

Mr. Chairman: Any further discussion?

Hon. Mr. Conway: I repeat, the language changes here do not make a great improvement. The difficulty is calling something that is a committee a council. It is confusing and my assistant deputy minister indicates it is more confusing in French. I warn the committee against that kind of movement in already highly complex legislation where we have created a number of new organizations with mandates to do a variety of things.

Mr. Allen: To accommodate the minister, I shall change the term, "council" to "regional committee for French-language education".

Hon. Mr. Conway: Pardon me?

Mr. Allen: It shall be known as a regional committee for French-language education.

Hon. Mr. Conway: That is more acceptable and I would so indicate.

Mr. Revell: One moment, Mr. Chairman, there was one other point. The word "body" was put in place of the word "committee". If the motion is going forward, I recommend it be a liaison committee to be known as--

Mr. Allen: Regional committee.

Mr. Davis: I do not want to muddy the waters, but if you call it a French-region educational committee then you have a FREC. So you wind up with a FLAC, a FLEC, an FSL and a FREC and you can have a FREC, FLAC and FLEC.

Hon. Mr. Conway: I want to make sure that everyone, particularly legislative counsel, understands.

Mr. Chairman: I appreciate that. We need this in writing because we have made some word changes. A momentary stall, minister.

Hon. Mr. Conway: I appreciate that. It is helpful to have these legislative dialogues to focus the mind, as you know better than I, Mr. Chairman.

Mr. Chairman: Coffee time.

What do we have now, a new section 277p?

Mr. Allen: We have an amended government motion.

The Clerk of the Committee: This will be an amendment to the amendment.

Mr. Chairman: We have an amendment to the government amendment on section 277p.

Mr. Allen moves that section 277p of the act, as set out in the government amendment, be amended by adding to subsection 277p(1), "which shall be known as a regional committee for French-language education" and replacing the first three words of subsection 277p(2) with "a regional committee for French-language education."

Hon. Mr. Conway: On behalf of the government, I can indicate acceptance of the amendment as it was read. I just want to assure the committee on that.

Mr. Chairman: Shall the amendment to the amendment to section 277p carry?

Motion agreed to.

Mr. Chairman: Shall the amendment carry?

Motion agreed to.

Section 277p, as amended, agreed to.

5:40 p.m.

On section 277q:

Mr. Chairman: Mr. Poirier moves that section 277q of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

Mr. Poirier moves that section 277q of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"277q (1) If before the 30th day of June in any year the French-language section becomes aware that on the first day of the following school year it will not be operating a French-language instructional unit and it will not be providing education for at least 285 resident pupils of the board or at least 9.50 per cent of the resident pupils of the board pursuant to an agreement as described in subsection 277d(2) or (3), the French-language section shall forthwith notify, in writing, the full board of such fact and the board shall forthwith notify, in writing, the minister.

"(2) Unless the notice to the minister under subsection (1) is revoked, the French-language section of a board in respect of which a notice is required to be given to the minister is dissolved on the first day of December next following the time at which the notice was required to be given and the members shall cease to hold office on that date.

"(3) A board may revoke a notice given under subsection (1) at any time before the dissolution of the French-language section of the board if after the first day of September in the year in which the notice was given, the board has any French-language instructional units or it provides education to resident pupils as described in subsection (1) and the revocation shall be by notice, in writing, delivered to the minister.

"(4) Where a French-language section of a board is dissolved, at least 10 French-speaking ratepayers, within the meaning of part XI of the act, shall be deemed to have applied to the board on the day of the dissolution for the establishment of a French-language advisory committee."

Motion agreed to.

Section 277q, as amended, agreed to.

On section 277r:

Mr. Chairman: Mr. Poirier moves that subsections 277r(2) and (3) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"(2) For the purposes of subsection (1),

"(a) a reference in this part to French, other than in this subsection and subsection (3), shall be deemed to be a reference to English;

"(b) a reference in this part, other than in subsection (3), to French language shall be deemed to be a reference to English language; and

"(c) a reference in this part, other than in subsection (3), to a person who has the right under subsection 23(1) or (2), without regard to subsection 23(3), of the Canadian Charter of Rights and Freedoms to have his or her children receive their primary and secondary school instruction in the French language in Ontario shall be deemed to be a reference to a person who does not have that right and to be a reference

to a person who has but elects not to exercise that right.

"(3) Where a board has an English-language section, the other members of the board must have the qualifications to be elected as a member of a French-language section of a board as described in section 277g and an elector of such other members must have the qualifications to be an elector in respect of a French-language section of a board as described in section 277h."

Motion agreed to.

Mr. Chairman: Shall section 277r, as amended, carry? Carried.

Shall sections 277s and 277t carry? Carried.

Mr. Poirier moves that section 277u of the act, as set out in section 9 of the bill, be amended by inserting after the word "that" in the first line "on the first school day in September 1986".

Hon. Mr. Conway: It is a technical amendment.

Mr. Chairman: Yes, almost.

Mr. Allen: This does not specifically pertain to item u, but I am concerned that the French-language education councils for the whole of the interim arrangements described in this part of the bill are overnamed by being called councils. It creates the kind of problem that the minister alluded to a little earlier: you have councils within councils in French. It seems to me to make it much clearer to talk about something in terms of what it really is, namely, an interim French-language group. We cannot use the word "section" because we are already into sections with the other. I offer that as a proposal to the minister.

Mr. Chairman: Mr. Allen moves that sections 277u to 277y of the act, both inclusive, as set out in section 9 of the bill, be amended by striking out "French-language education council" wherever that expression occurs and inserting in lieu thereof "interim French-language group."

Hon. Mr. Conway: The difficulty I have with that is that we are talking about trustees, and we should not forget that. The word "group" might be seen by those trustees as pejorative; it might have a pejorative ring, inadvertent as that might be. We are talking about trustees, and that is why I did not have in this case the same problem identified earlier. We were talking in that case about a liaison committee as between boards. Here we are talking about duly elected trustees.

When we went through the lexicon, we were searching for language, and we thought the language we arrived at was the best available, given what we had to choose from. The committee does not have to take note of this, but it is because of the discussions that have taken place over the past number of months that the French-language education council is becoming part of the lexicon.

Mr. Chairman: Shall the amendment to the amendment carry? All those in favour? Opposed?

Motion negatived.

Mr. Chairman: Shall the amendment to section 277u carry?

Motion agreed to.

Mr. Chairman: There is another amendment to 277u.

Mr. Poirier moves that section 277u of the act, as set out in section 9 of the bill, be amended by adding thereto the following subsection:

"(2) The French-language education council of a board shall govern for the board the French-language instructional units of the board."

Hon. Mr. Conway: It is just technical to clarify the intent of the mandate so there is no confusion about what council shall govern.

Mr. Chairman: Do you need an amendment to make the first part subsection 277u(1)?

Mr. Revell: No. That will be done by editorial licence.

Mr. Chairman: I hope you do not use too much of that.

Mr. Revell: No.

Motion agreed to.

Mr. Chairman: Shall section 277u, as amended, carry? Carried.

You have before you, in the package, an amendment to subsection 277v(1). I have an additional amendment. Where does that come? Later?

Mr. Poirier: Yes; subsection 277v(4).

Mr. Chairman: Mr. Poirier moves that paragraphs 1, 4, 5 and 6 of subsection 277v(1) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"1. The number of members of the French-language education council shall bear the same ratio to the total number of elected members of the board that the calculated enrolment of French-language resident pupils of the board bears to the total calculated enrolment of resident pupils of the board.

"4. If the number of eligible members of the board who elect in writing to be members of the French-language education council is less than the number of members determined according to rule 1 or if there are no such eligible members, the additional membership or the membership, as the case may be, of the French-language education council shall be made up by members elected in accordance with subsection (5).

"5. If the number of members of the French-language education council determined according to rule 1 is less than three, it shall be composed of three members or such greater number as have elected to be members under rule 2.

"6. Where the number of members of the French-language education council determined according to rule 1 is less than three and the number of members who elect to be members under rule 2 is less than three, the total number of members of the board shall be increased by the difference between three members and the number of members who elect to be members under rule 2 and the additional members shall be members of the French-language education council and shall be elected in accordance with subsection (5).

"7. The number of members of the French-language education council determined according to these rules shall be corrected to the nearest integer, the fraction one half being raised to the next higher integer."

Hon. Mr. Conway: The changes are being made on the advice of legislative counsel so we are consistent with terminology elsewhere in the bill.

Mr. Revell: There is one other issue I wish to bring up now. In the drafting of this, there are two editorial corrections to what you have. In paragraph 4, the last reference is to subsection (5); that could be subsection (6). In paragraph 6, at the very end, the reference to subsection (5) could also be a reference to subsection (6).

Motion agreed to.

5:50 p.m.

Mr. Chairman: Mr. Poirier moves that subsection 277v(4) of the act, as set out in section 9 of the bill, be struck out and the following substituted therefor:

"(4) For the purpose of this part, the calculated enrolment of French-language resident pupils of the board and the total calculated enrolment of resident pupils of the board are the numbers determined in accordance with subsections 277o(1) and (3), using data compiled as of the 30th day of September 1985, as required by the ministry before the coming into force of this section.

"(5) From the enrolments calculated under subsection (4), the ministry shall calculate the number of members of the French-language education council of each board.

"(6) A board that is required to have a French-language education council shall, if necessary, make provision for a meeting of its French-speaking ratepayers, as defined in section 257a, for the purpose of electing by general vote members of the council who shall be members of the board.

"(7) A board shall advertise in each of its schools and in the public media serving the local population, the place, date and time of a meeting under subsection (6) and take such additional action to publicize the meeting as it considers expedient and section 264 applies with necessary modifications to the election.

"(8) An election under paragraph 2 of subsection (1) must be delivered to the secretary of the board within 14 days of the day this section comes into force.

"(9) Where after the expiry of the 14-day period referred to in subsection (8), an election is required under subsection (6), the election shall be held within 30 days of the coming into force of this section.

"(10) Where following an election under subsection (6), there are fewer than three members on the French-language education council of a board, the minister, by order, shall appoint such number of qualified persons as members of the council as are necessary to provide for three members on the council.

"(11) If a board is required to have a French-language education council and the board has a French-language advisory committee under part XI, the French-language advisory committee is dissolved on the the day the council is constituted."

Hon. Mr. Conway: Since this is a technical amendment, the legislative counsel might care to speak to it concerning the expression "at large."

Mr. Revell: The difference between the motion that was in the materials that were distributed and those that were handed out today is in subsection 6, which now reads in the second last line, "for the purpose of electing by general vote members of the council." That originally read, "for the purpose of electing at large members of the council." The term "general vote" is the one that has been used in all other parts of the Education Act, and therefore it is consistent with general terminology.

Motion agreed to.

Mr. Chairman: Mr. Poirier moves that section 9 of the bill be amended by adding thereto, as section 277va of the act, the following:

"277va(1) A French-language education council shall be deemed to be constituted on December 1, 1986, and it shall hold its first meeting not later than December 7, 1986.

"(2) Section 183 and subsections 265(1), (3) and (4) apply with necessary modifications to a French-language education council.

"(3) If the office of a member of the French-language education council becomes vacant and the remaining members of the council constitute a majority of the council's members, the remaining members shall, at the first regular council meeting after the vacancy occurs, appoint to the office a person who is eligible to be a council member.

"(4) If the office of a member of the French-language education council becomes vacant and the remaining members of the council do not constitute a majority of the council's members, a new election shall be held under subsection 277v(6) to fill the vacancy or vacancies."

Hon. Mr. Conway: Subsection 277va(1) provides for the FLEC to be deemed to be constituted on December 1, 1986, and subsections 2 and 3 provide for the operating procedures of the FLEC and the filling of vacancies on it.

Motion agreed to.

Mr. Chairman: Shall section 277v, as amended, carry? Carried.

Mr. Poirier moves that sections 277w and 277x of the act, as set out in section of the bill, be struck out and the following substituted therefor:

"277w(1) Sections 277k, 277m, 277p and 277q apply with necessary modifications where a board has a French-language education council as if a reference therein to a French-language section were a reference therein to a French-language education council.

"(2) Notwithstanding subsection 277q(2), a person who elected under paragraph 2 of subsection 277v(1) to be a member of a French-language

education council of a board shall remain as a member of the board if the council is dissolved before December 1, 1988.

"(3) Notwithstanding subsection 2771(2), section 2771 applies to a board that has a French-language education council in respect of the years 1987 and 1988."

Hon. Mr. Conway: Essentially, we seek here to ensure that the areas of mandate for the sections as they relate to such matters as jurisdiction, revenue allocations, establishment of the liaison committees and quorums will apply to the education councils.

Motion agreed to.

Mr. Chairman: Shall sections 277w, 277x and 277y, inclusive, carry?
Carried.

Dr. Allen has an amendment, which he refers to as section 277z.

Mr. Allen: Inasmuch as this is a new section that looks beyond the contents of the bill to date and looks to a step beyond what will be presented by the minister on what shall be done with regard to the area of Metropolitan Toronto, it might be more appropriate to discuss this after we have dealt with the Toronto proposal for a French-language education council.

Hon. Mr. Conway: Agreed. That takes us the remaining portion of the amendments, which speaks to the Metropolitan Toronto situation. Noting the clock, I thought it might be helpful if Mrs. Carrier-Fraser briefly indicated, perhaps with Bill Mitchell's help, what the Metropolitan Toronto proposal intends and includes, recognizing that members may want to have a general idea of what the amendments involve. Is that acceptable?

Mr. Chairman: There is one problem. There is a request from the ministry regarding--

Hon. Mr. Conway: There is a motion. Perhaps we could deal with that now. It is a matter of definition that the member for Prescott-Russell (Mr. Poirier) might move. It is purely technical. It has arisen as legislative counsel and ministry officials have reviewed some of the results of changes made earlier.

Mr. Chairman: We need unanimous consent to open up this section again for the purposes of this amendment. Do we have unanimous consent?

Agreed to.

On section 1:

Mr. Chairman: Mr. Poirier moves that section 1 of the bill, as approved by the committee at its meeting on the third day of July 1986, be reopened and that the definition of "board," as set out in section 257a of the act, be struck out and the following substituted therefor:

"board" means,

"(a) a board of education the members of which are elected under the Municipal Elections Act,

"(b) a county or district combined separate school board,

"(c) the Metropolitan Separate School Board, or

"(d) The Windsor Roman Catholic Separate School Board,

"and includes,

"(e) for the purposes of section 258, a district school area board, a Protestant separate school board, a rural separate school board and a combined separate school board,

"(f) for the purposes of section 261, a secondary school board and a board of education formed under section 69, and

"(g) for the purposes of sections 274 to 277b, a board described in clause (e) or (f)."

Hon. Mr. Conway: I will ask Bill Mitchell of the legislation branch of the Ministry of Education to speak briefly to the motion and what it means and intends.

Mr. Mitchell: From the very beginning, we did not wish in Bill 75 to obligate very small, remote, isolated boards in the north of the province to have to indulge in French-language governance. Given the size and resources of those boards and the number of pupils, it would not make sense from most points of view.

What we did not intend to do, but what we ended up doing by virtue of the redefinitions in this section, was to exclude those same small boards in the north from the provision of French-language education and the pupils in those boards from the right to a French-as-a-first-language program. We did not intend to do that.

Therefore, by virtue of the amendment you have in front of you, in clauses (e), (f) and (g), we reinstate those small district school area boards and isolated boards for purposes of sections 258 and 261, which are those provisions that provide the right to a French-language education on the part of pupils. In clause (g), with reference to sections 274 to 277b, we reinstate the ability of those boards, as other boards in the province have, to call upon the Languages of Instruction Commission of Ontario for advice and problem resolution.

I apologize for the inadvertent exclusion of those boards, which was never intentional on our part.

Mr. Allen: The only comment necessary with respect to the apology is that obviously it was also an oversight by all of us. None of us caught it.

Mr. Chairman: I surely did not.

Hon. Mr. Conway: It is not hard to miss when you are involved in this degree of intricacy.

Mr. Allen: Truer words were never spoken.

Motion agreed to.

Section 1, as amended, agreed to.

6 p.m.

Hon. Mr. Conway: Given the hour, it might be better to deal with the Metro proposals on the basis of questions the committee has. I know members are pretty familiar with what is involved.

Mr. Chairman: They form part of the bill, though. For the record, we should move the motion. First, we should pass section 10.

Section 10 agreed to.

Mr. Chairman: On section 10a, is there any discussion?

Mr. Allen: I gather you are in effect renumbering this part on the Metropolitan Toronto--

Mr. Chairman: We just approved section 10. Now we have this amendment, which is section 10a. Don, can you help us?

Mr. Revell: Just on the numbering, when the bill is reprinted, the number section 10a that is set out in the motion will probably appear as section 12, because I believe we added a section 4a at some point along the way.

Rather than trying to have people renumber the bill as we go through the motions, this has been a convention that has been in force in the Legislative Assembly of Ontario for many years with legislative counsel in its motions numbering new sections as 10a, 14a or whatever and then picking up the numbering in appropriate sequence on the reprint. This is a section that goes in between existing section 10 and the existing section 11 of the bill, if that helps in any way on the numbering issue.

Mr. Allen: This is all part of section--

Hon. Mr. Conway: I do not believe Mr. Poirier has actually entered the amendment. The amendment section 10a seeks to amend the Municipality of Metropolitan Toronto Act. Do we have the amendment currently before the committee?

Mr. Chairman: Can I seek some clarification? Mr. Revell, are we talking about pages 38, 39, 40 and so on?

Mr. Revell: I do not have the government compilation, but the motion starts off with "Section 10a" and refers to "subsection 116(1) of the Municipality of Metropolitan Toronto Act, being chapter 314" and so on. It has definitions of "council" and "French-speaking ratepayer" and then it is a motion that is six pages long.

Mr. Chairman: In what we are dealing with, it is pages 38 through to and including page 43.

Mr. Poirier moves that the bill be amended by adding thereto the following section:

"10a(1) Subsection 116(1) of the Municipality of Metropolitan Toronto Act, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 9, section 1 and 1984, chapter 18, section 9, is further amended by relettering clause (ba) as clause (bb), by

relettering clauses (bb) and (bc) as clauses (bd) and (be) respectively and by adding thereto the following clauses:

"(ba) 'Council' means the council established by section 120b;

"(bc) 'French-speaking ratepayer' means a person who is entitled to vote at an election of members of a board of education and who has the right under subsection 23(1) or (2), without regard to subsection 23(3), of the Canadian Charter of Rights and Freedoms to have his or her children receive their primary and secondary school instruction in the French language in Ontario.

"(2) The said act is amended by adding thereto the following sections:

"120a(1) Within two months after the date this section comes into force, the boards of education that have a French-language advisory committee under part XI of the Education Act shall establish by resolution a new French-language advisory committee in accordance with the Education Act and when the new committee takes office the previous committee is dissolved.

"(2) Subsection (1) applies notwithstanding that the board of education operates a French-language instructional unit.

"(3) For the purposes of subsection (1), at least 10 French-speaking ratepayers shall be deemed to have applied to the board of education for the establishment of the new French-language advisory committee.

"(4) This section is repealed on the first day of December 1988.

"120b(1) There is established on the first day of December 1988, a council to be known in French as 'Le conseil des écoles françaises de la communauté urbaine de Toronto' and in English as 'The Metropolitan Toronto French-Language School Council.'

"(2) Subject to section 120f, beginning on the first day of January 1989, the council shall operate all French-language instructional units under part XI of the Education Act in the metropolitan area other than those operated by the Metropolitan Separate School Board.

"(3) The council is a body corporate and shall be composed of nine members.

"(4) The council may be legally designated by either or both versions of its name.

"(5) Beginning with the regular election in 1988, the members of the council shall be elected at the same time and for the same term of office as the boards of education and, subject to this part, shall be elected in the same manner as members of a board of education.

"(6) For the purpose of electing members to the council, the metropolitan area is divided into the four electoral areas named in column 1 of the following table and each electoral area shall be represented on the council by the number of members set out opposite thereto in column 2:

TABLE

Column 1 Electoral Area	Column 2 Number of Members
1. the city of Toronto	3
2. the city of North York	3
3. the city of Scarborough and the borough of East York	2
4. the cities of Etobicoke and York	1

"(7) The members of the council to be elected in an electoral area shall be elected by general vote in the electoral area.

"(8) A person is qualified to be elected as a member of the council if,

"(a) the person is qualified to be elected as a member of the board of education for the area municipality in which the person resides;

"(b) the person is a French-speaking ratepayer; and

"(c) the person chooses to vote only for members of the council and not for a member of the board of education for the area municipality in which the person resides.

"(9) A person is qualified to be an elector in respect of a member of the council if,

"(a) the person is qualified to vote in a regular election of members of the board of education for the area municipality in which the person resides;

"(b) the person is a French-speaking ratepayer; and

"(c) the person chooses to vote only for members of the council and not for a member of the board of education for the area municipality in which the person resides.

"(10) No person is entitled to vote in a regular election for both members of the council and members of the board of education for the area municipality in which the person resides.

"(11) The election of members of the council for an electoral area shall be conducted by the same officers and in the same manner as elections of members of the boards of education in the same electoral area except that in the case of an election in the electoral area of the city of Scarborough and the borough of East York and the electoral area of the cities of Etobicoke and York,

"(a) the nominations in each case shall be submitted to the returning officer of the area municipality in the electoral area having the greatest equalized residential and farm assessment for public school purposes, who shall send to the clerk of each municipality concerned, by registered mail within 48 hours after the closing of nominations, the names of the candidates who have qualified; and

"(b) the clerk of each area municipality shall be the returning officer for the vote to be recorded in the clerk's area municipality and the clerk shall report forthwith the vote recorded to the returning officer referred to in clause (a), who shall prepare the final summary and announce the result of the vote.

"(12) For the purposes of subsection (11), 'equalized residential and farm assessment' shall have the same meaning as in clause 59(1)(a) of the Education Act.

"120c(1) Except as provided in this part, the council, for the purposes of every act, shall be deemed to be a board of education in the metropolitan area.

"(2) The council may set and pay allowances to its members for the term of office that expires the first day of December 1991, despite subsection 167(1a) of the Education Act.

"120d(1) The council shall assume, on the first day of January 1989, the operation of all schools and classes established before that day by the boards of education under part XI of the Education Act in which French is the language of instruction.

"(2) Subject to subsection (3), possession of the facilities used in relation to schools and classes described in subsection (1) vests in the council on the first day of January 1989 at such rent as the board of education concerned and the council may agree and the board of education concerned and the council shall agree upon the allocation and disposition, without compensation, of all other property situated upon or used in connection with the facilities.

"(3) Where possession of all of the lands and premises used as a school site vests in the council under subsection (2), the ownership of the lands and premises vests in the council at the same time, without compensation, but subject to all existing debts, contracts, agreements and liabilities of the board of education that pertain to such school site.

"(4) Any dispute as to possession of any facilities or the allocation or disposition of property under subsection (2) or the transfer of ownership under subsection (3) may be referred by the council and the board of education, or either of them, to the Ontario Municipal Board, which shall determine the matters in dispute, and its decision is final.

"(5) On the first day of January 1989, the employment contract of every employee of a board of education who was employed immediately before the coming into force of this section in a school or class established under part XI of the Education Act is vested in and becomes an obligation of the council.

"120e. Beginning on the first day of January 1989, no board of education shall operate a school or class under part XI of the Education Act.

"120f. Notwithstanding subsection 120b(2), the school board shall continue to operate schools and classes for trainable retarded pupils in the metropolitan area in which French is the language of instruction and the council shall not operate such schools or classes.

"120g. A person who is qualified to be a resident pupil in respect of a board of education in the metropolitan area and exercises his or her right under subsection 258(2) or 261(1) of the Education Act is also qualified to be a resident pupil of the council.

"120h. Subsections 127(4) to (6b), section 130j, clause 133(1)(e) and subsections 133(40 to (6) do not apply in respect of the council.

"120i. In December 1988 and in 1989, the council may borrow from the school board, notwithstanding that the estimates have not been approved by the school board.

"(3) Subsection 121(2) of the said act, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, is amended by inserting after 'area' in the third line 'and the chairman of the council.'

"(4) Subsection 121(3) of the said act, as amended by the Statutes of Ontario, 1983, chapter 9, section 3 and 1984, chapter 18, section 11 is repealed and the following substituted therefor:

"(3) The Board of Education for the Borough of East York, the Board of Education for the City of Etobicoke, the Board of Education for the City of York, and the council may each appoint one of its members as an alternate member of the school board, and such alternate member may attend the meetings of the school board and of its committees, but shall not vote in the meetings of the school board or of its committees except in the absence of the chairman of the board of education or of the council, as the case may be, to which such member belongs or of the member appointed in place of the chairman under subsection (6)."

Mr. Allen: My principal concern with respect to the proposal, quite apart from some of the politics and discussion that has swirled around it within the Toronto community itself and the French community within Toronto, is that while the proposal lays out a lot of responsibilities and even some liabilities and assets that will be transferred to the Metropolitan Toronto French-Language School Council, I have not yet seen anything that tells me precisely what resources this institution will have to carry out these responsibilities.

I wonder whether someone can explain how this creature will fare from day to day, not simply in terms of how many bodies will be on it and whether it will have this or that responsibility to carry out, or this or that asset transferred to it, but also in terms of what precise resources will be given to it with respect to finance, personnel and the physical resources to carry out what is obviously a fairly ambitious undertaking.

Hon. Mr. Conway: The resident expert in the ministry on Metropolitan Toronto school matters, Mr. Mitchell, will kindly provide an answer.

In the interests of time, I do not know whether I should anticipate a question and whether he will feel comfortable with what he has been told, but I am just going to ask Mr. Mitchell to respond to Dr. Allen's question. I should indicate that Mr. Mitchell was quite involved with the Metro group. He participated in all aspects of the discussion between the ministry and those involved with the Metro proposal.

Mr. Mitchell: You will see subsection 120c(1) on page 47. The council is deemed to be a board of education for all purposes. As such, it would be an equal partner at the Metro board table as well. In other words, the council is an equal partner with the area boards of education in Metro. When it comes to representation at the second-tier, Metropolitan Toronto School Board level, it would be an equal partner in that federation.

The one essential difference is that the council would not have a tax base of its own. Rather, it would submit a budget, as do all the other area boards, and have it approved by the total Metro federation at the Metropolitan

Toronto School Board level. It would receive its financial resources, and I assume that is what you are referring to in this case, through that means rather than through a tax base as such.

Mr. Allen: What would that mean in terms of the per-pupil grant allocations that would be transferred to the board? How would that compare with every other board in terms of the per-pupil financial resources available?

Mr. Mitchell: This is a question that representatives of the Metro French-language advisory committees raised at a meeting a little while ago. That was attended by us, the representatives of the French-language community and representatives of the Metropolitan Toronto School Board at both the trustee and administrative levels. As you undoubtedly know, the allocations in Metro are based on a very complicated set of formulas arrived at by virtue of collaborative negotiations among all members of the Metro federation. They are arrived at by agreement and consensus in the first place.

6:10 p.m.

The Metro board assured the French-language representatives that their wishes with regard to program and other resource needs would not only be listened to on an equal basis, but, in many instances, catered to as a special kind of program. Of course, this has been done for many years in Metro, where special program needs have received a very rich allocation of resources because they were special program needs. There are a considerable number of precedents for this kind of request and for meeting on a rather generous basis this kind of request in the Metro area.

Mr. Allen: For example, would access to specialized consultancy services and supervisory personnel appropriate to the new board or council be done by way of providing sufficient allocation for that board or council to hire its own personnel? Would it be done in a way that would give the board or council access to existing personnel who have been providing these services through the Toronto and North York boards in particular? What is envisaged in that respect?

Mr. Mitchell: Our discussion during past months has indicated that both would be possible, and both are fairly probable. In some areas, they would have the resources to purchase their own. In other areas, it might be more expedient and fruitful for all concerned to arrange for secondments, transfers and so on. This is relatively easy to do within the Metro federation. It is an area loaded with that kind of resource in the first place. Therefore, the short answer to your question is that both patterns are envisaged.

Mr. Allen: Is it anticipated that the council will continue to operate the existing schools and entities in the places where they currently exist? In reading this section, I recall that the bill provides for the transfer of the physical assets or capacities to do this.

Mr. Mitchell: That is right. In most cases it is the outright transfer, and in perhaps one case it is the rental; in any case, it is very definitely the use of the same kind of facility. I must say that through the months of discussions on this topic, and they have been taking place since this past fall, with the Metro people and subsequently with the francophone population in Toronto, it has come through very clearly that the desire of all involved is to provide for this council to facilitate the offering of the best possible French-language program in Metropolitan Toronto. I have seen

absolutely no evidence on the part of anyone in all that time that there will be any inclination whatsoever to shortchange the council in resources and programming.

Mr. Allen: That means that in spite of the small enrolments in certain programs and classes, it will none the less be possible to maintain them at comparable Metro standards of instruction.

Mr. Mitchell: Absolutely. I am suggesting that because it is a special program area with a smaller number of students, the end result may be even more generous than that, as it has proved to be in other program areas in Metro during past years.

Mr. Allen: Can you say something that will give some assurance to some parents at that level who are concerned that as against the continuance under the existing boards until such time as a larger regional council can be formed, this council or board will not be competitive, and that therefore the end result would be not only an inability to attract further enrolments from the French community in Toronto but might even be to lose students as a result of the formation of this council? From your perspective, in terms of your involvement in the negotiations, do you have any sense that those fears, however deeply they may be felt, are real or unreal or partly justified or not justified? Can you speak to that issue?

Mr. Mitchell: I will try. If I understand what you mean, I do not believe there is any justification for them whatsoever. I understand them. I am certainly sensitive to the concerns of a community that has established French-language programming over the years and has seen the establishment of facilities, teachers and resources. In that context, I can understand the concerns that arise whenever any kind of change comes along. I do understand. Do I think that they are justified in the context of this proposal? Definitely not. I am absolutely confident the French-language community in all parts of Metro will come to realize that these provisions in the bill will provide for French-language programming and French-language governance on a scale we have not seen heretofore across Metro.

As for competition, by virtue of what is in these provisions, once the council is formed no other board in Metro will provide French as a first-language program; that is, none of the area boards of education. It is the whole idea in the context of Bill 75 to give this council exclusive jurisdiction over French-language education matters in Metro. That is exactly what these provisions will do.

Therefore, in terms of competition, I do not think there is any problem in that sense. In another sense, if you mean competition for resources at the Metro table, I can only reiterate what I said a few moments ago. There has been every assurance from the Metro board, from that second tier of governance, that it is everyone's wish to ensure that the council is provided with the resources it needs to make this a success. It is in no one's interest to see this project fail. It is in everyone's interest to see it a roaring success, from several points of view.

Furthermore, all one has to do is to re-examine the past history of the allocation of resources to program areas in Metro. I defy anyone to show me an example of a program area that has been shortchanged by virtue of the allocation of resources through the second-tier level of education administration in Metro. I do not think there has been one.

What I am saying to the people in the francophone community in Toronto and Metro generally is that I have great faith and I think they should too. There is every indication and every precedent to indicate that the allocation of resources will not just be adequate but in all probability will be more than adequate. Once the council in Metro is formed, a comparison between what has been provided in Metro and in other parts of the province might be interesting. I think the provision of resources and the quality of programming in Metro would stand up to any kind of comparison whatever across the province. I have no doubt about that.

Mr. Allen: The competition would have the same--unless it is simply the richness of the surrounding programs in the English sector of public education and I presume what you are saying would be the same answer to that.

Mr. Mitchell: In that respect, these provisions began with the proposal from the area boards of education in Metropolitan Toronto as early as 1984. Since then, it has been the boards of education in Metro Toronto that have pushed for the establishment of a council such as this, with the resources to make it work. When you talk about competition for resources at the Metro table, the situation is that you have the very members of the Metro federation that has proposed this from the beginning two years ago wishing to allocate resources in a way that will make their proposal work for them. We have no wish to shortchange them so that it will not work.

6:20 p.m.

The one thing people have to understand about Metro Toronto and the form of the structure of education therein is that the second-tier level, the Metropolitan Toronto School Board, is not some independent spectre looming over everyone's shoulder. It is nothing but a coming together of representatives of the boards currently existing in Metro.

In other words, from the beginning it has been a bringing together of representatives from those existing structures to agree on the allocation of resources among themselves to meet their own needs and desires. It is not a case of fighting with an outside body. It is a case of agreement from within and it always has been.

Ms. Bryden: It is an entity unto itself once it is set up, however, with representatives from the different boards. It is not answerable to the boards except through its representatives.

Mr. Mitchell: It is, in many ways. It is composed of representatives from the boards in Metro. They are answerable to their home boards in that sense; very much so.

Hon. Mr. Conway: I note the time, Mr. Chairman. I do not want to interrupt the conversation and I appreciate the interest, but there are a couple of outstanding issues.

Mr. Chairman: Yes, there are.

Mr. Davis: I have a quick question for the minister. I notice that in this new section the school board will transfer property to the French-language section with no charge. Understanding the Metro situation, I assume that this is unique and that one cannot take from it the general policy in the separate school issue of the transfer of school buildings for no charge.

Hon. Mr. Conway: What is contained in this connection with regard to the matter of French governance has been developed with due regard to the two-tier situation in the Metropolitan Toronto community. That is intended; nothing more.

Mr. Allen: I would like to ask the minister a question that I am not sure it would have been proper to put to Mr. Mitchell. Once the Metropolitan Toronto French-Language School Council is created, what do we envisage in moving beyond that to include the separate French schools in this urban area? Has that been part of the discussion to date in any sense?

Hon. Mr. Conway: To be quite frank, we have spent a lot of time working with the Metropolitan Toronto school community and francophone groups to see how, in the first instance, we could make the principles of the legislation apply to this large, diverse urban community. We expect that as a result of these amendments, it will develop in a way that meets the requirements of the francophone and the general communities and the requirements of the Education Act.

I hope the future in Metropolitan Toronto will evolve in a positive way. I cannot give as definitive an answer as the member might like, except to say that we are most anxious for that. We had to devise a mechanism that recognized the unique character of the Metropolitan Toronto situation and we have dedicated our time and resources to that. I think the honourable member's question points in an important direction. We will look carefully to that future, to see what adjustments will be required to provide the right context and climate.

Mr. Allen: Thank you.

Motion agreed to.

Section 11 agreed to.

Mr. Revell: We should deal with Mr. Allen's motion before we get into the repeals.

Mr. Chairman: He said to wait until the last, so I was going to do so.

Mr. Allen: Obviously, it should come before the short title part of the bill.

Mr. Chairman: Carry on, please, and propose your amendments.

Mr. Allen: When I numbered these amendments, it was not with a view to what has just passed with regard to section 10 of the bill. I am at your disposal with regard to how this should be numbered.

What I have to move is with respect to creating another section of the bill. That may be numbered appropriately later. I have numbered it section 9a, but that number will be changed ultimately.

Mr. Chairman: Mr. Allen moves that the bill be amended by adding thereto the following section:

"9a. The said act is further amended by adding thereto the following section:

"277z(1) The minister shall establish a commission to designate boundaries for regional French-language boards of education across the province.

"(2) The commission shall report to the minister within two years after this act comes into force.

"(3) On receiving the commission's report and on the application in writing of 10 or more ratepayers of a region designated by the commission, each of whom is a member whose child is a French-speaking person as defined under section 23 of the Charter of Rights, the minister may establish a plan for the creation of a French-language board in that region.

"(4) A plan under subsection (3) shall be implemented within five years after it is established."

Mr. Allen: From the beginning of our discussion of Bill 75, I have been increasingly impressed with the importance of looking upon Bill 75 and its contents as a further stepping stone towards full French-language governance in education in this province. I am very mindful that the bill as it was first drafted related specifically to some steps in that direction with regard to the alteration of the nature of the French-language advisory committees under a new regime; the development of French-language sections and the interim arrangements that were to be made until they should take effect. Now the minister has added a new section that deals with a further step in French-education governance in the region of Metropolitan Toronto.

It seems to me this bill would not be complete, or at least what we are doing today would not be complete, without something that indicated quite clearly that this bill as drafted to that point was not the end of the road. As a Legislature, we are committed to fulfilling the terms of the Court of Appeal judgement of June 1984. Notwithstanding the boundaries of existing boards and so on, full French-language governance shall happen in Ontario. That is our commitment as a Legislature.

With that in mind, I have proposed this further amendment, which seeks to commit the minister to move somewhat further in that direction, first by way of establishing a commission to designate boundaries for regional French-language boards of education across the province. That would be done with due research into all the particulars and details necessary to be considered in looking at that question. For the moment, it would be a contingency operation, looking towards the next step, which would be some response to the desire of the French-language community to see French-language boards in more parts of the province as may be appropriate as time passes.

It is with those considerations in mind that I make this amendment. I hope the minister and other members of the committee will respond to it in their wisdom and give us some commentary upon it.

6:30 p.m.

Mr. Guindon: Subsection 277z(1) says, "The minister shall establish a commission to designate...." Could we name that commission?

Hon. Mr. Conway: Could you repeat that for me?

Mr. Guindon: I would like to know whether we can amend subsection 1 in such a way that we will designate who will be the commissioner and who will do the investigating.

Hon. Mr. Conway: If I might address that question and, recognizing the hour, make the main point the member for Hamilton West (Mr. Allen) speaks to in both this amendment and in the latter part of his preamble.

The government has thought long and hard about this question. We indicated last summer that in pulling Bill 28, we would proceed with a view to improving what had been offered. On December 12, I outlined government policy in this respect and said that Bill 75, which was introduced at that time, would contain basic provisions.

That is essentially what we have applied in Metropolitan Toronto. We simply had to recognize that we had a structure that was unique in terms of the province. The basic provisions of the bill, the basic principles of Bill 75, will apply to Metropolitan Toronto but they will also apply in a way that recognizes the unique situation of Metropolitan Toronto in that it has a two-tiered structure.

On July 12, I indicated that the government was prepared to proceed with a French-language school board in the national capital area. Shortly thereafter, I announced a five-person panel headed by Albert Roy to recommend to the government specific ways and means of achieving that goal for 1988. As the committee knows, the recommendations of that commission are expected later this summer. I expect they will be before me at that time.

The government has made it clear, however, that its commitment to a French-language board is in the national capital area. I recognize there is pressure. I have heard much of what the member for Hamilton West and the member for Scarborough Centre (Mr. Davis) have heard. I want to make it clear that government policy is as I enunciated it on December 12. Government policy has not changed in that connection, and will not change in so far as the current debate is concerned.

We have had a very active discussion within cabinet. I feel it is important for me to convey that, but I do want to respond to what I am hearing from my colleagues on the committee. In recognition of what has come forward in this amendment and what I have heard from spokesmen of the official opposition, I would be prepared to indicate that on third reading, which I expect will be tomorrow, I will make a statement that will address the concerns of the members of the opposition in so far as what would be entailed by regional French-language boards, and what type of organization and impact might be involved.

In committing the government to the French-language board for the national capital in 1988, I recognize, as I think all members do, that there are some very significant challenges to be met and resolved. We are most anxious to do that in a way that brings about that important change in the national capital area in the most effective, efficient and positive fashion.

If the committee would find it a positive response, I can indicate that I would be prepared tomorrow upon third reading to make a formal statement of government intent in this connection to address the members' concerns that have been indicated both in this amendment and in the latter part of the preamble. I would commit the government to look at the whole question of the regional French-language school boards.

Again, I want to make it absolutely clear that the government policy in this connection is as I indicated on December 12. It is important for me to restate that today. However, I am hearing from the committee that it would

like a further look at the whole question of French-language boards and what would be involved in their organization, their structure and their impact, so I would be prepared to make a formal statement to that effect, if the honourable members of the committee would find that helpful.

Mr. Allen: I, too, have my eye on the clock, and I also know this bill has to be reported tomorrow afternoon. This is a very critical and important question.

I am pleased to hear the minister say that, tomorrow afternoon, he is prepared to present to us a proposal that would enable us to see a further step taken in the direction of examining the impact, nature, potential structure and effects of regional French boards across the province. That would be done in a comprehensive fashion, if I hear him correctly, and there would be a time frame on that.

I hope we would know the results of such an investigation within a year--two years, at the outside--and would, at that time, know much better what we are talking about when we speak of French-language boards in Ontario. Only on the basis of such substantial information would it be wise for us to move in a significant way to address any outstanding issues in that respect.

Hon. Mr. Conway: I want to repeat the government policy in this connection, which was indicated on December 12.

I recognize that, to one degree or another, there is a difference of opinion among members of this committee on just what that policy should intend, but I want to be fair to my friends in the opposition. I do not want them to be under any wrong impression. Government policy is as I outlined it, and we are committed to the establishment of a French-language board in the national capital area seulement.

However, I do hear what the members hear. I recognize, having just been at a conference with the member for Hamilton West and l'Association française des conseils scolaires de l'Ontario, that there is undoubtedly an interest in the concept of regional French-language boards. I recognize that. Government policy is to create a French-language board in the Ottawa-Carleton area for 1988. That has already been stated.

Tomorrow, during third reading, I would be prepared to indicate by way of statement that in response to a very significant interest on the part of the committee, we look at what might be involved in the future organization, structure and impact of French-language boards elsewhere in the province, and have such a study report to the minister within an 18- to 24-month period.

I would be quite prepared to entertain that. Tomorrow morning, perhaps, I could discuss with my colleagues the wording of such a commitment, and enter it into the third reading record on the understanding that everyone recognize it as government policy. All I am authorized to entertain at present is what I indicated on December 12, 1985.

Mr. Allen: I recognize that as a very significant response by the minister, and I am pleased to hear it.

Naturally, as a person who likes to look down the road and prepare for the future, I would prefer to see commitments made that the government may not feel prepared to enter into at this time. I look forward to sitting down with the minister some time in the early hours. How soon tomorrow morning, Minister, shall we start looking at such an option?

Hon. Mr. Conway: I want to indicate--

Mr. Allen: In the light of that, given the hour, I would be prepared to withdraw this motion, and to take such further steps as we can in the course of third reading tomorrow to look to the future in this whole enterprise.

6:40 p.m.

Mr. Davis: I appreciate the minister restating the government position several times for the committee. It has been my experience, along with that of my colleague from the New Democratic Party, to listen quite intently to the francophone community and its desire to at least begin the initial steps of looking at regional boards for the delivery of francophone education.

I will be quite happy to hear the minister's statement in the House. I hope the minister will address two issues: first, that he will establish a commission or committee--and the wording does not bother me--to take a very detailed look at the boundaries for regional French-language boards of education across the province; and second, that they will have a time frame in which to report back to him, understanding that they will do more than just look at the boundaries; that they will also take a hard look at the implications, the cost factors and how it may be possible to achieve that goal. If those items are in the statement, we will be quite happy to have the minister make that statement tomorrow.

Mr. Chairman: Mr. Guindon, I thought you wanted to go to the ball game.

Mr. Guindon: I can give up the ball game.

Mr. Chairman: Okay.

Mr. Guindon: I have two tickets to the ball game, but I think we are getting shortchanged here. I think this is pretty important business. It is okay to say that we are going to look after the Ottawa area, but why should we neglect the rest of the province? Maybe that is where most of the problems are: Stormont, Dundas and Glengarry or Prescott and Russell.

I do not want to give you or the ministry a hard time, but I really support this motion. I am a little bit disappointed that the mover is ready to step it down.

Hon. Mr. Conway: I hear what the member for Cornwall is saying, and I agree with him. This is a very important debate. We had a very good and helpful discussion with his colleague the member for Scarborough Centre and the member for Hamilton West. I can assure him that I recognize what he is saying.

It is also important to understand that with Bill 75 we have embarked on significant change, both for the francophone community and the general Ontario school community. It is going to be very important, as I have said on previous occasions, that we proceed in an orderly fashion with an implementation that is going to be seen to be sensible and workable.

In making the commitment to the French-language board in Ottawa-Carleton, where the matter has been discussed for a long period of

time, where all boards are on record as having agreed and where we have the Ottawa-Carleton Review Commission report of 10 years ago endorsing it and a variety of other special factors in that very special national capital area, we none the less recognize that there are significant issues that have to be resolved about ways and means.

That was the mandate given to the Roy commission. It is going to be exceptionally important for all in Ottawa-Carleton, Stormont, Dundas and Glengarry and elsewhere to see precisely how we move forward to fulfil the commitment in the national capital area, to say nothing of how, in the next year and a half, we will get the very significant new provisions of this legislation up and running in the several school districts of the province to which they will apply.

We have embarked on a major new course of positive action. I say to my friend from Cornwall that this is significant change. We have to see to it that it takes effect and takes root in a way that meets community expectation.

I recognize the future will bring refinement and adjustment. We have to look to the future. It is always good to hear a distinguished historian such as the member for Hamilton West draw our attention to the future. I am not unmindful of that. Let none of us in the committee lose sight of the reality that this bill brings very considerable change. We must also regard the existence of the other bill the committee passed some days ago that is going to bring about significant change as well.

There are communities in Cornwall, Geraldton, Toronto or wherever, that have to be familiarized with all of this. They must accept it, and I am confident they will. With a major change here, we have to see to it that it takes effect and takes root effectively in all aspects of the province and is seen as such.

Mr. Guindon: It is pretty hard for me to ask you about your statement. How strong will it be? Will it be strong enough to have meaning or will it be vague?

Hon. Mr. Conway: M. Guindon!

Mr. Guindon: You are known to be a very good politician.

Mr. Chairman: In view of the fact that Dr. Allen has withdrawn his amendment, would the minister agree that he would get the consent of Dr. Allen, Mr. Davis and Mr. Guindon tomorrow for his statement?

Hon. Mr. Conway: I indicated and I think it is important for me to repeat that I would be quite prepared to meet and discuss the matter with the spokesmen for the two opposition parties, as we did casually earlier this afternoon, and to invite them in to the completion of this aspect of this important exercise.

Mr. Chairman: Otherwise, third reading might be somewhat difficult.

Hon. Mr. Conway: I recognize the interest of the committee. We had a discussion earlier. I repeat that I will be quite anxious to chat with the two official opposition spokesmen about what the statement might contain in respect to the issues raised by Dr. Allen's two amendments.

Mr. Chairman: This was an amendment to section 9a, so we did not carry section 9 of the bill. Shall section 9 of the bill, as amended, carry?

Section 9, as amended, agreed to.

Mr. Chairman: Ms. Hart moves that section 12 of the bill be struck out and the following substituted therefor:

"12(1) This act, except subsections 10a(3) and (4), comes into force on the first day of October, 1986.

"(2) Subsections 10a(3) and (4) come into force on the first day of December, 1988."

Hon. Mr. Conway: It is just a further clarification.

Mr. Chairman: Shall the amendment carry?

Motion agreed to.

Section 12, as amended, agreed to.

Section 13 agreed to.

Mr. Chairman: Ms. Hart moves that the long title of the bill be struck out and the following substituted therefor:

"An Act to amend the Education Act and the Municipality of Metropolitan Toronto Act."

Motion agreed to.

Long title of the bill, as amended, agreed to.

Mr. Allen: There is an outstanding matter the minister was going to come back to regarding the preamble.

Mr. Chairman: Mr. Allen moves that the bill be amended by adding thereto the following preamble:

"Whereas it is recognized that French-speaking citizens of Ontario have the constitutional right to full governance of their French-language primary and secondary school instruction irrespective of existing school board boundaries; and whereas in most parts of the province the attainment of that objective requires the creation of transitional institutions to develop the base on which full governance can be built in succeeding years; and whereas corresponding institutions are required with respect to the governance of English-language instruction where French is the language of the majority."

Hon. Mr. Conway: The point I was making in response to that is that the preamble, particularly the latter half, speaks to a difference of opinion and, I suspect, policy in this regard between the member for Hamilton West and the government. I indicated earlier a desire to respect that difference of opinion but to move on behalf of the government to address that concern in some way. That is what I hope to do with the statement on third reading tomorrow.

Mr. Allen: Your intent was to frame the context of the legislation in such a way as to address the issue of the preamble.

Hon. Mr. Conway: The difficulty is that the last part in particular of that preamble as it is in the motion looks at the current situation differently from the way the government statement of policy of December 12, 1985, would have it. I indicated earlier that tomorrow I will try to respond on behalf of the government to the pressures the honourable member has identified that have developed with respect to a greater desire for regional French-language school boards.

Mr. Allen: I am satisfied.

Mr. Chairman: In view of that, what action do you take, Dr. Allen?

Mr. Allen: I withdraw that motion.

Mr. Chairman: Thank you.

Bill, as amended, ordered to be reported.

Hon. Mr. Conway: Mr. Chairman, might I have the final comment? I most sincerely thank you, members of the standing committee on general government and the staff of this committee for the quite wonderful job you have done with an education bill you would not in the ordinary scheme of things have been seized of. I mean that most sincerely.

I do not normally like to come to any legislative committee, and particularly one that is not normally involved with school matters, with a bill so intricate and complex as Bill 75. I want to say how much I have appreciated being here. I look forward to being back. I thank you and your staff for a warm welcome and a most efficient and effective discharge of this matter.

Mr. Chairman: Flattery will get you everywhere. Thank you, everybody.

The committee adjourned at 6:52 p.m.

STANDING COMMITTEE ON GENERAL GOVERNMENT

ANNUAL REPORT, ONTARIO INSTITUTE FOR STUDIES IN EDUCATION, 1984-85

THURSDAY, JULY 10, 1986



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G. R. (Dufferin-Simcoe PC)

VICE-CHAIRMAN: Dean, G. H. (Wentworth PC)

Bryden, M. H. (Beaches-Woodbine NDP)

Cousens, W. D. (York Centre PC)

Guindon, L. B. (Cornwall PC)

Hart, C. E. (York East L)

Henderson, D. J. (Humber L)

McKessock, R. (Grey L)

Newman, B. (Windsor-Walkerville L)

Pollock, J. (Hastings-Peterborough PC)

Pouliot, G. (Lake Nipigon NDP)

Substitutions:

Allen, R. (Hamilton West NDP) for Mr. Pouliot

McFadden, D. J. (Eglinton PC) for Mr. Cousens

Poirier, J. (Prescott-Russell L) for Mr. McKessock

Also taking part:

Sterling, N. W. (Carleton-Grenville PC)

Clerk: Deller, D.

Staff:

Gardner, Dr. R. J. L., Assistant Chief, Legislative Research Service

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, July 10, 1986

The committee met at 10:05 a.m. in committee room 2.

ANNUAL REPORT, ONTARIO INSTITUTE FOR STUDIES IN EDUCATION, 1984-85
(continued)

Resuming consideration of the annual report of the Ontario Institute for Studies in Education, 1984-85.

Mr. Chairman: We shall call the meeting to order. Bob has prepared a report for us. Ms. Bryden has some concerns about a meeting she has from 10:30 a.m. to 11:30 a.m. Do we need to hear from you, Bob?

Dr. Gardner: I do not think so, not in any detail. There has been a clearing up of typos and things such as that in the first part. There are a few little changes in part 4 from what we have seen already and there is the new part that was worked out with the committee of three. That is right at the tail end, so the only new stuff to be considered is on page 35.

Ms. Bryden: What about page 32?

Dr. Gardner: I can run through what changes were made in that, but they were not of any substance. I can do that very quickly if you wish.

Mr. Chairman: Ms. Bryden, I suggest you make your comments now and we will see where we go from there.

Ms. Bryden: I have a few problems under "Integration" on page 3. In the first place, it does not say whether the name would be continued. It does not say it would not be.

Second, while it says it could or could not have degree-granting powers--this is possibly editorial comment--some of our evidence indicated that if it did have degree-granting powers, there would be a more equal basis for the negotiations considered in the integration proposal. That is a very important point, that the degree-granting powers indicate a more equal basis for negotiations.

Third, the substitution of degree-granting powers for a long-term affiliation agreement would forestall the situation arising at the end of each affiliation agreement, the same situation we faced this year.

Those are three points that should be considered in the integration. In other words, it would add to the stability of the arrangement.

I have one final point. It says "would directly receive funds currently allocated to OISE and FEUT." It is not clear from that whether we mean the funds allocated by the Ministry of Colleges and Universities on the basis of enrolment and the formula or the funds currently allocated to the University of Toronto faculty of education by the University of Toronto, which have been put at about 50 per cent of the MCU allocation. I think it should be clarified what we are looking at.

Mr. Allen: After speaking with Marion yesterday night, I noticed we did not address at any point in the last pages the question of the name. I think we assumed in most of the options there that the name would remain the same. That is an unwritten assumption that seemed to pervade it, but nowhere is that said; it might well be added at some point.

Personally, I would be a little bit concerned simply to tag the integration option as a model with only degree-granting powers, but the committee might want to indicate a preference in that regard. Therefore, I wonder whether the last sentence might add that it would retain its own name and preferably have degree-granting powers. That would leave it open for some movement one way or the other. That is a preference the committee will have to state with respect to that issue, but it would not close off the integration model as necessarily having to have degree-granting powers in order to function. That would be my suggestion with regard to that.

The question of the name might come up again when we speak about central principles. We can make a reference to that point. The currency of the name has significant force in the educational community here and abroad and therefore there is strong merit in retaining the name. We would make that one of our principal concerns.

Ms. Hart: I concur to some degree with my colleague. Clearly, we assumed in the subcommittee meeting that the name would be retained. I have more difficulty with expressing a preference about degree-granting powers. If we must have it in there at all, I would be happier to state that it might or might not have degree-granting powers. I am not yet sure that it is the preference of every member of the committee. I simply express that concern.

Dr. Gardner: Just to clarify how we got to this point, the models on page 32 are nothing more than that; they are models. They are not seen to be recommendations in any sense. The degree-granting business is dealt with on the last page and it is tied to the private member's bill.

We do not want to mix our apples and oranges. If we see that first part as merely some logical options which we then evaluate and decide which we strengthen and which we do not, then we probably do not want too much detail on page 32. We can come back to the business of the name, but it may be better later rather than in there, just in our logical sequence.

Mr. McFadden: May I make one point on the name? I do not have strong feelings one way or the other on the name per se. I think there is something in a name in terms of the recognition of the institute abroad or among educators in Canada. I do not want to get into a situation where if integration were the chosen option, if it was felt the faculty of education and OISE should be brought together, the name would become a major stumbling block.

For example, if both sides make a decision that they want to call it the Toronto institute for further studies in education or something, we would not be standing in the way of a name change because the name OISE has a certain magic to it. While I understand the objective of maintaining an independent name and the advisability of that for the recognition of the institution as a separate and autonomous institution, I wonder about the wisdom of making a big thing of it except perhaps to make the point that the OISE name or some independent name would be advisable. In the end, if both parties want to get together, they could decide that a name change might be advisable.

If you take a look at any merger or coming together, for example of companies, usually there is an incorporation of two names. It may not happen in this case. Under the integration model, OISE's name might be the only one to be used. It would make sense to me if, upon integration, OISE was the only name used. I do not know that we should go strongly on that. What we are after here is the principle, rather than trying to get down to the name of the institution.

I know Ms. Bryden feels strongly about the name. I do not feel strongly about it. Maybe other committee members do, in which case I would not object to it, but I do not think we necessarily want to leave the impression the Ontario Legislature would frown on an amended name if U of T and OISE were to come up with another one they chose to use as part of the agreement they might reach at some future date.

Mr. Dean: I feel the same way. I have no objections to OISE, but I do not see it as a main, significant thing. While the scope is somewhat different, I think we can compare it to what happened under regional government in some places. With the amalgamation of some municipalities, some people had a tremendous attachment to a certain name and in some cases there were two or more that had an equally strong attachment. In most of them it did not have to come to blows, although it did in the case of Cambridge, where they had a vote on it and something that nobody liked came out. In many cases, people recognized that the principle of the strength that was going to arise was much greater, no matter what you call the creature, than its name. We can even quote Shakespeare in support of that if you want.

Mr. Allen: The name itself, particularly the acronym, has always reminded me, for whatever reason, of the French word for goose. If you take the "s" out, you are there. It always has seemed to me ungainly, like a goose, to talk about OISE. None the less, a certain attachment has grown over the years to that language.

One thing that has impressed me from the beginning is that even in my first conversation with Dr. Shapiro, when he was trying to outline for me what he felt were the three things that had to be maintained in this whole debate with the University of Toronto, one of them was the name. There is the sense in the people who have worked out of that institution and in their contacts and associations that that word has a significant meaning that is worth maintaining. The Ontario Institute for Studies in Education is a perfectly respectable full name, and no one would suggest FEUT should replace OISE as an acronym to describe the ultimate merger, for any reason whatsoever.

Mr. McFadden: Only the school of podiatry might.

Mr. Allen: Perhaps finally we should not say definitively that this is the way it has to be for ever or we will take our marbles and go home. Since there was some strength of opinion stated on this from a number of quarters that what educational excellence means in Ontario at this point is summed up in that term, we should perhaps state it appears to be preferable to maintain the name. It could come at the end of our first paragraph on page 35, where we would say, "This also means that it must have control over adequate and stable financial resources, and preferably the institution in whatever future form should retain its present name."

Mr. Chairman: I agree with that. With all due respect to the two women on our committee and to Mr. McFadden, to make it the Toronto institute would spoil the whole damned thing.

Mr. Allen: That would be a disaster.

Mr. Chairman: That was a poor one.

Mr. McFadden: You could call it the world institute or something such as that.

10:20 a.m.

Ms. Bryden: I agree with Mr. Allen that the name should be mentioned at the end of the first paragraph on page 35.

Retention of the name was a very important item in the submissions of a great number of people. If you are going to consider the option of degree-granting powers being part of our report, as we do in the second paragraph on page 35, I do not believe those powers would be nearly as justified if they were going to an administration with a new name.

Part of the idea of the degree-granting powers is to recognize that the Ontario Institute for Studies in Education's 20 years of experience, and reputation, would merit it granting its own degrees. These degrees would have some status in the educational world. However, to give degree-granting powers to a brand-new institution under another name might raise some objections. The degrees might not be as well recognized throughout the world.

For those two reasons, it should be stated somewhere that retention of the name would preferably be part of the principles underlying the acceptance of any option. As to whether it should go under "Integration," on page 32, we could drop it from there if we have it on page 35.

I would also like to come back to the point of revenues, under "Integration," to clarify what we mean by "would directly receive funds currently allocated to OISE."

Mr. Chairman: What clarification would you suggest?

Ms. Bryden: "Would receive all revenues currently received by OISE, and those allocated to the faculty of education at the University of Toronto under the formula financing from the Ministry of Colleges and Universities."

The whole point of enrichment, and the need for beefing up FEUT, is that you are going to have to put more money into it. If this new body just gets OISE's current revenues, plus FEUT's allocation from U of T, there is no new money. I do not think that is a viable option for us to look at.

Some of the earlier integration proposals were that all the funds allocated to enrollees, through MCU to the two institutions, would flow through, as well as OISE's additional fund. We should also throw in, "would receive funds currently allocated to OISE with suitable cost-of-living increases," so that we do not limit them to the present funds.

Bob could redraft that, and perhaps we could look at it this afternoon.

Mr. Dean: I think that is getting into far too much nitty-gritty for what we want in order to incorporate this. Surely we are not trying to direct the Treasurer (Mr. Nixon) as to what he should do in this case.

The principle is the important thing. I would like to make the same

comment about Ms. Bryden's second point, with regard to the name of the institution and granting of degrees. The name does not matter a whit if it can grant degrees.

Whether the degree means anything is going to depend on the performance of the people who instruct and learn there. You can call it public school 859; if it does this kind of high-quality work, we will respect it in time. The name is not very important.

Ms. Hart: I concur with my colleague, particularly in respect to the funding. There are no guarantees about the funding anyway. If, for some reason, it was decided that OISE did not merit the funding it has now, there would be absolutely nothing to stop the Treasurer, or rather the Ministry of Education, from withdrawing that funding.

I am really uncomfortable because we talk in the conclusions section about principles and philosophy and then we get down to finite little details about one aspect. It means we are going to have to rewrite the conclusions and do it all in tiny details. I am much more comfortable with the way it is now.

Mr. McFadden: I am supportive of the conclusions set out. What we managed to achieve last week in the drafting group was an all-party consensus on what is here. In our overall discussions right now, if we sit next week, we could spend today revising and reviewing. We have a tight deadline. We want to get this report in this afternoon. We have gone through all these months of hearings, debate and everything else, and I am very anxious that we get this approved today and into the House.

I feel the conclusions drafted last week are a reasonable compromise and represent a consensus among the three people at that meeting. I am not saying they necessarily represent the views of all the people in this room or on the committee. I can see making some modifications but if we are going to get involved in changing the provisions to become a lot more specific, we are running the risk of breaking down what I think was an all-party consensus on this matter, which is very important to OISE at this time as well as to the University of Toronto.

I hope we do not get ourselves into a position where we wind up redrafting the conclusions, or the agreement that I think was more or less coming together might start falling apart.

Ms. Bryden: I have to leave for my appointment shortly. I do not know whether you can stand down number 3 until a later meeting. I presume we could even meet this afternoon, although I am not sure when with question period at two o'clock. I certainly hope there is consensus on adding a reference to the name on page 35, which we have not yet got to.

Mr. McFadden: Mr. Allen came up with wording that might be suitable to everybody. Why do you not read it?

Mr. Allen: I scribbled at the end of that first paragraph on page 35 the additional sentence, "However future relationships are resolved, the committee considers retention of the well-known name of OISE to be desirable."

Mr. Chairman: Is that all right? That would be suitable to me. Is that all right with you?

Ms. Bryden: That is fine.

Mr. Allen: On the other matter Ms. Bryden raised, I know the point the OISE people have raised about the faculty of education of University of Toronto and the way 50 per cent of the basic income units are normally intended, if you calculate them out mechanically, to go to the faculty. That means 50 per cent of the allocation goes to the university on a per student basis, and there seems to be something desperately unjust about that. One could rightly quarrel with the proportion of the BIUs that go to FEUT through the instrument of the allocation process in the university.

At the same time, it would be improper to argue on the basis of any funding financial allocation process that happens in Ontario universities that the money that goes from the ministry should end up in each department or program strictly in proportion to the numbers and the BIUs. Obviously, those are calculated on a broad averaging principle to fund university operations. Some programs are more expensive than others and some require more expensive program equipment than others.

That is the only way those funds get allocated into more costly and less costly programs, and it would be very tricky for us to get into stating that the funds that go directly to FEUT or that go to the university on the basis of the numbers of students registered in FEUT should be passed on holus-bolus without qualification to that program. That is not the way it happens in any of the ways programs and departments are financed in universities.

10:30 a.m.

Notwithstanding their objection and concern about the way FEUT was funded in the university, the argument Ms. Bryden uses does not hold water in terms of the way in which things happen in university funding. I do not think we can go into the details of university finance and determine as a committee what proportion of the BIU should go per student in FEUT. We do not have the figures, and even if we did, we would not know whether they were right.

Ms. Bryden: Would you be willing to drop the word "currently" on page 32 so it read, "The board would directly receive funds allocated to OISE and FEUT"? That would also taken into account what Ms. Hart says.

Mr. Allen: I have no problem with that.

Ms. Bryden: The Treasurer really determines what goes to OISE.

Mr. Allen: Sure. The point made in the drafting committee was that money went directly to OISE from the Treasurer, and that would continue to happen. There was also money that went through the university to FEUT, and that would continue to happen. If I remember the committee's discussion, I do not think we were stuck on the dollars and cents of the current amount.

Mr. Chairman: Ms. Bryden, could you tell us where you would like to add what?

Ms. Bryden: I want to drop the word "currently" in line three of number 3 on page 32. I think that might solve it. Some of Mr. Allen's points are well taken. We do not want to get into the exact funding. On other portions, we will decide what funds are allocated.

Mr. Chairman: Is it agreed that we drop the word "currently"? Agreed.

Ms. Bryden: There is also the suggestion on page 35 in regard to the name. I would like to see that done.

Mr. Chairman: Is there agreement that we could have this ready to put in the House this afternoon?

Mr. McFadden moves adoption of the committee report as submitted, with the amendment proposed by Mr. Allen with regard to the name.

Dr. Gardner: I will read back the wording to make sure. This would go at the end of the first paragraph on page 35, which now reads, "This also means that it must have control of adequate and stable financial resources." We would add, "However future relations are resolved, the committee considers the retention of the well-known name of OISE to be desirable."

Motion agreed to.

Mr. Poirier: What is good for the gander is good for the OISE.

Ms. Bryden: Do you have to put the question about dropping the word "currently"?

Mr. Chairman: We agreed to drop the word "currently" from item 3 on page 32.

Ms. Bryden: Thank you very much for making these accommodations. I think the draft was very well done by Bob and the steering committee.

Mr. Dean: Let us hear it for the steering committee.

Mr. Chairman: Mr. Sterling, if you could get close to a mike--and I hope Dr. Allen can stay for a few minutes--we want to talk about the recess schedule for this committee.

Mr. Allen: Before you get into that, I had one other question. Did we intend to use the title "Conclusions" again at the top of page 35? We have not phrased them exactly as recommendations, so there is a bit of a problem with that word.

Dr. Gardner: We did, but I see the awkwardness. We once had part IV entitled "Conclusions and Recommendations." I dropped the words "and Recommendations" because we were not being too specific.

Mr. Dean: How about "Summary"?

Mr. McFadden: Why do we not say "Summary and Recommendations"? We have recommendations in there.

Dr. Gardner: For part IV. Then we will leave the last page as "Conclusions."

Mr. McFadden: Or vice versa.

Mr. Allen: You were talking about page 31 as "Summary."

Mr. McFadden: We can do either one. Either 31 can remain "Conclusions" and 35 will be "Summary and Recommendations" or vice versa.

Mr. Allen: The summary is on page 35, is it not?

Mr. McFadden: Why do we not make page 35 "Summary and Recommendations" and capsulize the whole thing right on the last page?

Mr. Chairman: Apparently the committee is to sit the weeks of September 1 and 8. There are two things to discuss. One is Mr. Sterling's smoking bill, and he is here.

Mr. Sterling: Nonsmoking bill.

Mr. Chairman: Mr. Poirier and I were talking earlier. The other one is--I am not sure of the proper word--but it is on the review of Bill 100.

Clerk of the Committee: Teacher contract negotiations.

Mr. Chairman: I suggest we spend a week on Mr. Sterling's bill and a week, as a start, on teachers' negotiations.

Mr. Dean: How much time does that involve? Three or four days?

Mr. Chairman: I guess four or five. Labour Day is in there somewhere. Mr. Sterling is interested in travelling outside Toronto. I definitely think the committee will want to travel outside Toronto on the teachers' negotiations. It might be wise to think of travelling the province during those two weeks and considering both bills in mornings and afternoons. It is difficult, but one day and the next day is probably not so difficult. This will be the only time we will be sitting on Bill 100 unless we do it when the House is sitting.

What does the committee think about that? Mr. Sterling, we should hear what you think. I asked Mr. Sterling to give this some thought for today and give us a bit of an outline of where he thought he would like to go with his bill, and we can see how that fits in with Bill 100.

Mr. Sterling: There are two areas in the province where the focus on Bill 71 comes, that is, where the major health organizations are located in Toronto and Ottawa, in terms of people who might want to make submissions to the committee on Bill 71.

I have spoken to several people about the goals of Bill 71 and what it does. If members are really serious about Bill 71 and the legislation, which I hope they are, it would be best to obtain some hands-on experience of some jurisdictions that already have it. Unfortunately, the jurisdictions that have this kind of legislation in place, and were the forerunners, are on the west coast and in the United States.

10:40 a.m.

Mr. Allen: We could go by train to Vancouver.

Mr. Sterling: If you are serious about smoking in the work place, the place to go is San Francisco. They have had a law in place for four or five years which has been working very well. The upset has not been substantial, and a number of other American cities have adopted it.

Vancouver and Victoria have just got into bylaws affecting smoking in the work place, but I am not certain that they have experience over a period of time. I asked for recommendations from a nonsmokers' association which has very capable research people. That is where they told me we should go, but I do not know whether the committee has the budget, the time or whatever, to do that.

My suggestion is to spend a day or two in Ottawa, if it is strictly in Ontario, two or three days in Toronto and one day in Windsor, London or wherever. There is no great interest in London or Windsor. We could go to Sudbury, where there is a lot of support for this bill. In Sudbury, London or Windsor, however, there is no specific body or organized association or associations that would come forward. The labour union movement is also very interested in this bill in terms of smoking in the work place.

I would like nothing better than to go to San Francisco. Given a little more time, I might be able to find another American city that has considerable experience. Cincinnati has had this legislation in place for a year, but I do not know how much experience they have had with it. I understand that one third of the work places in San Francisco are now smoke-free, and it has been done with relatively little acrimony there.

That is all I can put forward. Are there any questions?

Mr. Dean: I think we should see at least one jurisdiction that has had some experience with this, whether the whole committee goes or whether it should be a subcommittee or a researcher.

Mr. Chairman: Maybe it should be only the chairman who could gather up a lot of information.

Mr. Dean: I think the chairman and Mr. Sterling as a witness.

Mr. Henderson: Any physicians on the committee could do it.

Mr. Allen: Could Mr. Sterling tell us a little more about the people who could tell us something authoritative about a community like San Francisco? I do wonder whether it is important for the whole committee to travel. Would it not be better for the whole committee to hear a representative or two from the community in question here than to send a delegation of even a couple of people to San Francisco?

I think we would get more out of the former rather than the latter. In any case, the delegation would come back with a secondhand report rather than the committee having an opportunity to question somebody from one of the principle organizations involved in achieving that objective in San Francisco. Perhaps somebody from the civic administration or somebody with professional or work-related experience in an office or factory location might satisfy our needs.

In the Bill 30 discussions, we were faced with the question of what the experience was with regard to full funding in other provinces in Canada. We found it quite satisfactory to bring in a representative from two or three of the other provinces to listen to them and question them at great length and in detail. That filled our need quite satisfactorily.

Mr. Sterling: I would not argue strenuously against that position. The only good reason for travelling to another jurisdiction is if there are a dozen people or so to whom you would want to talk in that jurisdiction, or whatever, who could shed some light on a particular topic and have some instructive suggestions as to how Bill 71 might be changed or amended in order to make it a more practical law. The enforcement part of the issue always seems to be a problem and, therefore, by travelling to any jurisdiction where there is some enforcement experience, it would be of some benefit. Maybe we can get that person here too as well.

There are other committees, one on which I sit, that do not hesitate at looking at situations at first hand.

Mr. Chairman: Are you in favour of the general principle that in the two weeks we spend half the time on Mr. Sterling's bill, if required, and the balance of the time on consideration of teachers' negotiations? We can canvass the interest in, say, Ottawa, Chatham and Thunder Bay, or some such place outside of Toronto, and get that out of the way before the House resumes and there is further consideration of teachers' negotiations.

Mr. Allen: Are you suggesting that only in the Sault we would split our time, or that we would customarily divide our time between Mr. Sterling's bill and Bill 100?

Mr. Chairman: If there was interest, customarily--

Mr. Allen: I am sure that in some centres, in particular Ottawa, Kingston, London, Windsor, Thunder Bay, Sault Ste. Marie and Sudbury, one would find considerable interest in the School Boards and Teachers Collective Negotiations Act. One would have to be a little arbitrary about sorting out which of those one felt it was most appropriate in which to hold hearings.

I do not think there is any question about using up a day in each of those communities with presentations from various interests around that question. One could conceivably compress it a little in one or two of the communities to half a day, but in particular in Ottawa and Toronto, it is very unlikely we would be able to get by on less than a day. On Bill 100, in Toronto, we will probably have to spend a good couple of days hearing people.

Mr. Chairman: If we had the principle of dividing time of travelling for these two weeks, I think from that Debbie could work out a schedule for us for those two weeks.

Mr. Sterling: If you are going to travel outside the province to any other jurisdiction, you are going to have to get permission.

Mr. Chairman: That is right, and I am a little concerned. I am not sure that a committee of this Legislature has ever travelled outside the province on a private member's bill. That will be a departure.

Mr. Dean: We will be back after the vote.

Mr. Chairman: Do we need some more motions? We can come back after the vote.

The committee recessed at 10:48 a.m.

11:23 a.m.

Mr. Chairman: We will kick the machinery into gear. Is there something you wish to say?

Mr. Poirier: We should ask this committee to recommend to the House leaders that the report be available in both languages. I think that is one recommendation we can at least make.

Ms. Bryden: I would support that recommendation very strongly.

Mr. Chairman: Excuse me. Would you add to that motion that we seek permission to table the English version today and, if the House leaders agree, to mention that the French version will be available when translated?

Mr. Poirier: That is right.

Ms. Bryden: And when the report is available in its final printed form.

Agreed.

Mr. Chairman: Let us get back to the subject we were on prior to a short recess, Bill 71 and the teachers' negotiations.

Mr. Newman, I understand your party has a two-day caucus during the week of September 8.

Mr. Sterling: What day is it on?

Mr. Chairman: September 8 is a Monday.

Mr. Newman: I do not have anything recorded.

Ms. Hart: I know one of the dates is September 10.

Mr. Chairman: It is either way from September 10.

Mr. Newman: September 15 is the first week I have.

Ms. Hart: I have marked September 10 and 11.

Mr. Chairman: There is a strong possibility that our party will have a caucus on September 8 and 9, which is not very helpful for that week.

Ms. Bryden: We are having one on September 25 and 26.

Mr. Chairman: I wonder whether we should seek the House leaders' agreement to see if we can get a week other than that.

Mr. Dean: Assuming the first week is going to be intact.

Mr. Chairman: Yes. We can meet in the first week and then go to September 15. September 1 is Labour Day, so that is a short week.

Mr. Poirier: On September 5, there is going to be the official installation of the l'Association internationale des parlementaires de langue française section of Ontario. Francophone members may want to go to that one on September 5.

Mr. Chairman: Where is that?

Mr. Poirier: Right here at the Legislative Assembly.

Ms. Bryden: On Friday.

Mr. Chairman: Travel day.

Mr. Poirier: To Toronto, to the Legislative Assembly.

Mr. Chairman: Can I have your agreement to try to get another week for the standing committee on general government to sit?

Ms. Bryden: Are you talking about a four- or five-day week?

Mr. Chairman: Five days, in place of the week of September 8. We will work out a schedule that allows us to spread the two weeks, eight to 10 days, between Bill 71, if five days are required, and teachers' negotiations, and that we do it outside of Toronto, if possible. I can see where we would probably need a day in Toronto for Mr. Sterling's bill, if we are going to bring in a witness as we discussed this morning. Can we leave it to Debbie to make some suggestions to us? We may have to call a meeting some time during the summer for half a day.

Ms. Bryden: Our fall caucus meeting is September 25 and 26, a Thursday and Friday. That knocks that week out for me.

Mr. Chairman: We are trying to get the week of September 15. It appears it will definitely be the week of September 1 and we will try for the week of September 15, but it appears that the week of September 8 is all out. Agreed?

Ms. Bryden: On September 15, if we are out of town, it makes some problems for me, having the founding meeting of the new Beaches-Woodbine organization on September 17.

Clerk of the Committee: There is one other thing. I have a call in to find out exactly the situation we are in, budgetwise, on this committee. If it is necessary to do up a supplementary budget, are there members who are going to be around tomorrow and next week, so that I can get signatures to approve it? I do not necessarily need everyone's, but I would like to get as many as possible.

Mr. Chairman: Otherwise, you can make a motion to delegate the chairman to get the signatures, regardless of where they were.

Mr. Dean: I know you would not want undue expenses, so I think we should define that.

Clerk of the Committee: You can also authorize the chairman to approve a budget in case of need.

Mr. Dean: I think that would be better.

Clerk of the Committee: If there is unanimous agreement to that, it would help.

Mr. Chairman: Is there unanimous agreement that the chairman sign a request for money?

Ms. Bryden: He is a very frugal person.

Mr. Henderson: As long as we get a cut.

Mr. Chairman: You will get a cut of what I get. Anything else? Until we meet again, have a good summer.

The committee adjourned at 11:31 a.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

NON-SMOKERS' PROTECTION ACT

WEDNESDAY, SEPTEMBER 3, 1986



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G. R. (Dufferin-Simcoe PC)

VICE-CHAIRMAN: Dean, G. H. (Wentworth PC)

Allen, R. (Hamilton West NDP)

Bryden, M. H. (Beaches-Woodbine NDP)

Cousens, W. D. (York Centre PC)

Guindon, L. B. (Cornwall PC)

Hart, C. E. (York East L)

Henderson, D. J. (Humber L)

McGuigan, J. F. (Kent-Elgin L)

Pollock, J. (Hastings-Peterborough PC)

Reycraft, D. R. (Middlesex L)

Substitutions:

Mitchell, R. C. (Carleton PC) for Mr. Cousens

Sterling, N. W. (Carleton-Grenville PC) for Mr. Guindon

Clerk: Deller, D.

Witnesses:

From the Canadian Council on Smoking and Health:

Lauzon, R., President

From Physicians for a Smoke-Free Canada:

Pipe, Dr. A.

From the Association of Economists, Sociologists and Statisticians:

Brown, G.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Wednesday, September 3, 1986

The committee met at 10:07 a.m. in committee room 2.

NON-SMOKERS' PROTECTION ACT

Consideration of Bill 71, An Act to protect the Public Health and Comfort and the Environment by Prohibiting and Controlling Smoking in Public Places.

Mr. Chairman: The committee will come to order, please. We are meeting this morning to consider Bill 71, An Act to protect the Public Health and Comfort and the Environment by Prohibiting and Controlling Smoking in Public Places. It is a private member's bill introduced by Mr. Sterling. Perhaps we can hear from him for three or four minutes by way of introduction.

Mr. Sterling: It is a great pleasure and honour for me to be able to act as a member of the committee during the public presentations and also be the proponent of the Non-Smokers' Protection Act. This is a historical occasion, in some sense, because it is the first time that a private member's bill such as this has been given the opportunity to have public input through our committee system. I thank the members of this committee for that opportunity.

I know we will find the deliberations useful and fruitful in determining how we might want to reshape part of the bill. In offering protection from the hazards of second-hand smoke, Bill 71 is the first public recognition by our Legislature of the urgent need for such legislation. In January 1986, Bill 71 passed second reading by a large majority in the House with support from all three political parties, illustrating that this is an issue of concern to all political parties and is a health issue rather than a political one.

During the past few months, through television and radio interviews, newspaper ads, brochures and petitions, I have brought Bill 71 to the attention of many very concerned organizations and members of the public. I have invited their comments and suggestions. The response has been quite overwhelming to a less than well organized campaign on my part. More than 25,000 people in Ontario now have indicated their support for this bill by writing letters, signing petitions, signing brochures and telephoning my office. Furthermore, I would say that at least half of the people contacting me were concerned particularly with the issue of smoking in the work place, hence my introduction in July of an amendment to the Occupational Health and Safety Act to address this important aspect.

Other issues that have been raised concerning smoking in our society are the advertising of tobacco products, concern for tobacco farmers, taxation of tobacco products and helping those who really want to kick the habit. I was pleased to see the member for Windsor-Riverside (Mr. D. S. Cooke) bring forward a bill dealing with the advertisement of tobacco products.

Bill 71 does not meet all the issues we face as a society in dealing with the problem of smoking. It is, however, an important flagship from which other important steps could follow. In 1975, the World Health Organization said

that smoking-related diseases were such important causes of disability and premature death in developed countries that the control of cigarette smoking could do more to improve health and prolong life in these countries than any single action in the whole field of preventive medicine.

I hope that our committee and the Legislature, after some of the submissions today and after hearing statistics, some of which the members will find astonishing, will find it within their power to amend and pass this bill after receiving constructive suggestions. It is my hope that the government will call this bill for third reading in the fall.

Thank you very much for the opportunity of being before this committee. I look forward to our deliberations.

Ms. Bryden: I would like to congratulate Mr. Sterling for bringing forward this bill. I support it. I hope we will hear a lot of interesting discussion on it.

I would like to correct the record kindly. It is not the first bill that has ever gone to hearings before a legislative committee, although this is a rare occasion and you are right to bring that to the attention of people. It indicates there is considerable interest in this bill.

I know of at least one previous bill that came before a legislative committee and that was Bill 3, a New Democratic Party bill on equal pay for work of equal value on which very extensive public hearings were held. Those public hearings contributed a great deal to the development of legislation in that field. I hope Mr. Sterling's bill will not suffer the same fate as Bill 3, which was introduced by the NDP member from Windsor, Ted Bounsall. Bill 3 came before the committee in 1979 and it took seven long years and a change of government before we actually had a government bill on equal pay for work of equal value. I hope Mr. Sterling's bill will not suffer that fate. This committee process is part of building up interest in it and considering possible amendments.

Mr. Chairman: Mr. McGuigan, do you have a commercial on behalf of your party?

Mr. McGuigan: While we are putting things on the record, I also congratulate the member. There is special significance in the fact that for many years I was a tobacco grower, probably the only one in the Legislature. For the record, I point out that my resolution on missing children is different from a bill, but nevertheless it was accepted and is being considered by the standing committee on social development. I was a member at the time of that private member's bill of Ted Bounsall and I remember it well. I hope the member does not suffer the same fate that befell Mr. Bounsall.

Mr. Sterling: With your co-operation, Mr. McGuigan, I am sure I will not.

Mr. Chairman: We have several people making presentations to us this morning. The first is Dr. Richard Lauzon, who is president of the Canadian Council on Smoking and Health. Dr. Lauzon, will you come to the microphone, please, and proceed with your presentation?

CANADIAN COUNCIL ON SMOKING AND HEALTH

Dr. Lauzon: For the record, I indicate that I am a staff member of

the Canadian Heart Foundation and director of public education for that organization. Before that I served for 10 years with the Department of National Health and Welfare, two of those years being with the federal smoking and health program. As a volunteer, I am currently the president of the Canadian Council on Smoking and Health, the membership of which includes representation from the Canadian Cancer Society, the Canadian Lung Association, the Canadian Heart Foundation, the Canadian Medical Association, the Canadian Public Health Association, the Canadian Pharmaceutical Association, the Canadian Nurses Association, the Seventh Day Adventist Church and several other organizations as well as nine interagency councils on smoking and health across Canada.

The Canadian Council on Smoking and Health is currently actively pursuing, with our colleagues and our member agencies, federal legislation that could learn a lot from the bill you are considering today. I thank you for the opportunity to address this particular issue, Bill 71, the Non-Smokers' Protection Act. I am sorry you could not make it to Ottawa for the hearing this week. We could use the business, considering that our tourism is down.

It is not the purpose of my representation to review the medical evidence. That has been done very capably. I am sure you have seen that medical evidence and you will be hearing more about it this morning. There are 36,000 deaths annually that are lost to tobacco smoking, approximately 100 a day. You can expect to lose about a third of those in Ontario alone.

I am not here to argue the hierarchy of rights between smokers and nonsmokers either. I personally think it is a nonissue. I would like to take a broad public health approach to supporting this legislation, since this legislation would be a keystone in building a firm foundation for the health of our children. I wish to stress our children. They will be the main beneficiaries of this act.

As you know, the history of legislation in Canada is a sorry one. The year 1987 is the 25th anniversary of the Royal College of Physicians and Surgeons report entitled Smoking and Health, in which it identified the main health problems associated with tobacco use. I will be fair. We have one federal act and one provincial act in Canada that address tobacco. The Tobacco Restraint Act, which was passed in the early 1920s or so, says that it is wrong to sell tobacco to kids who are under the age of 16. The other act is in British Columbia and is to control promotion. Unfortunately, they found that it is kind of tough to prohibit American publications from coming in with tobacco ads and essentially the act has not been enforced since the early 1970s.

I will paint a picture for you of what has happened with smoking over the 25 years that we have known about the hazards. Many of you who are businessmen are familiar with a concept called the product life cycle; that is, there is a time and place for all products to be successful. Much of the early success of antismoking programs came from information and publicity programs. People thought that if you told them about the hazards of tobacco smoking, they would stop smoking. Dr. Norman Delarue, a very prominent thoracic surgeon here in Toronto, is one such proponent. He felt that after two years no one would be smoking. We are here today for the very reason that people are still smoking.

The second phase of the success, and we have been successful in persuading people to get off the tobacco habit, came with legislators

essentially pushing for more education programs in the schools and by voluntary agencies and professional associations. Essentially, we have done that trip. We have gone that way and we have been fairly successful. We have achieved essentially what you can achieve with education and information programs. About a third of the people we contact who are smokers get off the weed. We can convince a third of the people with education and information. You can do the same thing about seatbelt use or people who are overweight or who suffer from malnutrition or whatever.

10:20

We are in the third phase now, that of social advocacy. This phase has been carried very forcefully in the Toronto area and especially in Ontario with the Non-Smokers' Rights Association. It has moved very quickly and has made some significant gains in pushing for social approaches to curbing tobacco use, essentially through its initial appeals for courtesy towards the nonsmoker.

I think we are going into a fourth phase, in which I feel Ontario has the capability of being a leader. This is the legislative phase. Unfortunately, it always appears as if legislation comes at the tail end. As the social norm and the trend are picked up, the people's people, the legislators, finally enact legislation that codifies the behaviour the people have already picked up.

The people have picked up nonsmoking. We have heard from Mr. Sterling. He has indicated that 25,000 people have taken the trouble to contact him personally and let him know that they are in support of this bill. How many more hundreds of thousands, and indeed millions, of people in this province are probably supportive of the measures he has been pushing with this bill? Ontario can be again the flagship province in terms of leading the rest of Canada in an innovative way in protecting the rights of its citizens.

Unfortunately, Ontario is not often one of the leadership provinces. In my work from sea to sea for the past 15 years, I have found that these kinds of initiatives tend to come from the smaller provinces. I do not know why this is so. Perhaps it is for the same reason that John Naisbitt identified places such as Florida and Washington state in the United States as being the leaders in major trends, and not places such as the District of Columbia, California or New York. In this case, however, Ontario can do it.

Over the years the legislators have told us, "Show us the cause and we will act." I think we can show you the cause. The handout I prepared for you identifies on the first page the health consequences of tobacco use. One hundred people a day--when you bring it down to Ontario, you are talking about 30 to 40 people a day who are dying because of tobacco-related diseases.

The second page identifies why people begin smoking. It is very important to realize it is the kids, not adults, who are beginning to smoke. This is not an adult habit that we are trying to fight. It is a habit that is picked up primarily in youth and, once picked up, is pretty well an insidious habit for the next 20 to 40 years. What you find is that it is the influence of friends, families and significant others who account for the main reasons kids smoke. I would like to return to that issue in a minute.

As I mentioned in the introduction, my purpose is to look at a broader public health approach. There are three basic strategies that are used in public health to try to combat epidemics. I am sure you will agree that 36,000

lives lost a year is truly an epidemic. In 18 months, we lose more people from cigarettes than we lost in the Second World War.

The first strategy is to make the host more resistant. The host is the person who is being infected. How do we work that way? The voluntary agencies, the professional associations, the schools, doctors and nurses and the families have tried to inform and educate their children about the hazards of tobacco, and to educate themselves as well. That is how we are trying to make the host more resistant in the tobacco problem.

The second keystone strategy in public health is to decrease the virulence of the agent. What this means is to reduce the toxicity of the infective agent. Most of the government action during the past 25 years has been directed to finding less toxic cigarettes. The tobacco manufacturers will say "safer cigarettes." Do not be fooled by the rhetoric; there is no safe cigarette. These are slightly less toxic cigarettes.

We have controls that tend to be voluntary. These are not voluntary controls adopted because of goodwill towards the people. They are adopted because they will help protect manufacturers later on when they get into the courts and have to fight the litigation of people damaged by tobacco. I think that will be part of the legislative or law phase we are talking about. In any case, we have controls now on tar and nicotine levels and on carbon monoxide emissions. That is now we have been trying to fight the virulence of the agent.

The third public health approach or strategy is to put barriers in the environment that prevent the agent from reaching the host. That is what this bill is all about. It will essentially codify a nonbehaviour, the nonbehaviour being not smoking. This bill codifies not smoking.

Not smoking is now the social norm in Canada, as you know from the statistics. It is time for legislators to codify that social norm. It is time for you to play your role. By doing it now, you will be among the first. There are a lot of windfall profits to be made for the province by moving now.

I would like to make a little plug for the Canadian Heart Foundation. We have introduced a program called "Smoke-free spaces for kids." We provide awards to officials, leaders and adults in positions of responsibility who establish smoke-free environments where children play and work. We have handed out about 1,000 such awards. These are totally smoke-free environments. We were told when we began the program that we would not hand out five awards. We have now done 1,000.

Yesterday, the Ottawa Board of Education began a limited program in its schools of having only one smoking space in all the 100 schools administered by that board. Next September, all its schools and administrative offices will be entirely smoke-free.

We also handed out awards to the Auditor General of Canada, the Minister of National Health and Welfare, the president of Air Canada, the president of CP Hotels, the president of Westin Hotels, the president of York-Hannover Hotels, the president of CN Hotels, the president of Greyhound Lines of Canada and several other presidents, such as the president of IBM and so on. These individuals have all established smoke-free spaces in their corporate headquarters because they realize that in the occupational health sector this is the most important thing they can do for their employees.

Where are we on government action to date? At the federal level, the federal government has abrogated its responsibility in the tobacco issue. Essentially, it has accomplished nothing. If you ask the men and women on the street what they expect of government, they say they expect responsible laws. We have not accomplished anything in 25 years of knowing what these hazards are.

We had a ludicrous situation about a month ago in Ottawa, when all the legislators were brought back to Ottawa to try to protect the citizens of Canada from some dangerous offenders who might be let out on parole. The experts told us this might save one or two lives a year in Canada, yet we brought all those legislators back to the House to pass that amendment, which allows us to control these dangerous offenders.

We are losing 100 people a day because of tobacco-related diseases and I do not see any action, other than the very strong words of the minister, Mr. Epp, in support of all types of legislation. Frankly, he is not being supported by his cabinet colleagues or his caucus; neither are the other two parties being overly supportive in trying to move aggressively against tobacco in Canada.

10:30

At the provincial level, quite frankly, we are torn because of the tobacco tax revenues which we get across Canada. Especially in Ontario we must hide our heads in shame at the fact there is no legislation protecting our citizens against the ravages of tobacco use.

Gentlemen, you and your colleagues have done nothing over the past 25 years with regards to this serious health hazard. We need enabling legislation in Ontario to help the municipalities. That is the one shining, bright light in the tobacco issue from sea to sea. As of January 1986, 36 municipalities have enacted bylaws, which are not supported by provincial legislation, to control smoking in public places. That is where we are winning the war if we are doing anything.

I was at a council meeting until 10 o'clock last night in the city of Kanata, trying to urge the members of council not to accept an amendment to their bylaw which would allow smoking in the two arenas in Kanata. By a whopping five-to-two majority, they agreed to put aside the amendment which was recently passed by that council, allowing smokers to occupy the seats closest to the Zamboni. We were going to have all the carbon monoxide together in the arenas at Kanata.

The unfortunate part is that carbon monoxide is a little heavier than air. The only people who are going to be affected by having all that carbon monoxide located near the Zamboni are the team which is going to have to defend that end of the ice. Those young boys and girls, and I have an eight-year-old son, a 16-year-old son and a 13-year-old daughter who play hockey in those arenas, were going to have to suffer the indignity of that carbon monoxide while they play hockey because that council could not come to grips with asking smokers to stay away from near the ice surface when they wish to have a cigarette. In any case, they put aside the amendment, and I congratulate them for that.

As I mentioned, the major influence for the onset of smoking is the social causation. It is especially insidious when you consider smoking among young women. In the past three years there has been a 25 per cent increase in

smoking among young women, those aged 14 to 30. Statistics bear me out.

What is your challenge? I think the challenge is quite simple. The legislation you propose is a model of simplicity. It is not encumbered with all kinds of whosoever, what-fors and whatever. It is a simple piece of legislation which is going to have a dramatic effect in Ontario. It is quite comprehensive. Essentially, it will support the municipal bylaws which exist in 16 of your communities.

If I can appeal to the legislators in those communities, they are: Barrie, Gloucester, Guelph, Hamilton, Kanata, Kitchener, Mississauga, Nepean, North York, Ottawa, Pembroke, St. Catharines, Scarborough, Toronto, Waterloo and Windsor. If I can lend a personal appeal, I vote where Kanata is in the riding. I have worked very hard in Windsor. Lauzon is quite a well-known name in that community, and we have a lot of voters there. I am not quite sure they want to support me in my plea here, but nevertheless I use the tools that I have.

In addition to supporting the municipal bylaws, what you are going to do is to standardize future municipal bylaws in terms of protecting the rights of nonsmokers. I also think you are going to lead the nation, which would be a unique position for Ontario, which unfortunately has too many people and too much money to want to play ball with any of the other provinces in many other programs I am aware of, but it can certainly be the leader in this program.

While enforcement would be difficult, it would be no more difficult than for seat belts or drinking among minors. There are a number of other kinds of social programs where we have legislation to help us achieve health aims, if you will. I can assure you that over the long term, this piece of legislation will return more lives saved to Ontario than all those others combined.

Besides, enforcement is primarily self-enforcement, as all laws are. We identify with legislation a social code and we expect the citizens to abide by that code. We do not expect bylaw officers and police officers to have to go around and enforce the laws. It is the citizens themselves. If the law responds to a public need, it will enforce itself. I think that is what will happen with this piece of legislation.

Let us assume you pass this bill in the House. What will be the result? I will choose from one of your distinguished academics in Toronto, Marshall McLuhan, who said, "The medium is the message." You will be telling kids and adults that smoking is not okay and that nonsmoking is the norm, so the medium is the message.

Our hospitals will become billboards of health as opposed to places where we simply bill the Ontario health insurance plan, many of those OHIP billings being related to tobacco-related diseases, which this is intended to fight as secondary targets. The legislators will essentially codify something that is already the social norm, nonsmoking.

Ontario will be recognized as the flagship province in the smoking area. People will be looking to your legislation as a model to set up legislation of their own. What you will have done is decide in favour of the long-term health issues over the short-term vested interests. These short-term vested interests are essentially twofold.

There are those smokers who are addicted and feel that we are labelling them, as a gentleman told me last night, pariahs. I am certainly not doing

that. I have smokers in my family, I have friends who are smokers and I have distinguished colleagues who are smokers. They are simply people who are addicted to a habit, but I do not think the rest of us should have to dance to the tune of that addiction. You will be putting health before wealth.

You obviously cannot ban the use of tobacco. It certainly is within your legislative powers, but it is not something that you are going to do politically. Neither do I think you are going to ban advertising of tobacco products. I do not think the legislators and the public are prepared for a total ban on advertising, although our council is calling for such a ban. There are some difficulties with a ban, which we have to work out with our brethren to the south. They are pushing for an advertising ban, and when they have it, we will have it.

You certainly are not going to vote for more taxation of tobacco products because the growers, as well as the industry, are screaming right now. In fact, you have moved backwards in that regard and in recent months you have taken some taxes off tobacco.

There is not much that you can do as legislators, but one thing that you can do is pass this piece of legislation. It has popular support. After 25 years of knowing the hazards, it is time for you to pull up your socks and to pass a piece of socially responsible legislation. In the final analysis, the passage of this bill is the right and decent thing to do.

Mr. Chairman: Thank you very much. Will you entertain some questions?

Dr. Lauzon: Yes.

Ms. Bryden: I would like to congratulate Dr. Lauzon on a very hard-hitting brief that brought us a lot of facts of which not all of us were aware. Have you a theory as to why there has been a 25 per cent increase in smoking among young women in the past three years? Which factor is contributing to that the most?

Dr. Lauzon: It has probably been the professionalization of women. They have been moving into positions of authority and, for whatever reasons, they have adopted the props of that authority. In the past those props have included tobacco use.

In no small measure, we also have a spinoff of the use of illicit drugs, such as smoking marijuana, for example. Cigarettes are simply a less toxic form of smoking marijuana. You get a similar hit, and it is legal.

10:40

Women smoke for different reasons than men smoke, and for women the reasons are primarily social. The tobacco companies are very creative. I wish I had thought of such a creative idea as the "You've come a long way, baby," Virginia Slims ad. They are using all the right cues with women. The word "Slims" refers to an old tobacco advertising ploy that was used in the 1930s, which was, "Reach for a Lucky and not for a sweet." It is essentially the same advertising ploy. Initially women see the use of tobacco in a social way and then in consideration of gaining weight if they get off tobacco where they would perhaps rather not.

Ms. Bryden: I have many questions, but I want to give my colleagues a chance. I will ask just one more. As I am sure you are aware, three

newspapers in Ontario have now announced they will not carry tobacco ads. The Globe, and I think it is the Kingston--

Dr. Lauzon: The Kingston Whig-Standard and the Brockville Recorder and Times.

Ms. Bryden: Are you waging a campaign to get other newspapers throughout Ontario to adopt this and perhaps have a tobacco-free newspaper zone in Ontario?

Dr. Lauzon: Rather than go directly to the newspapers, we have gone to the corporate headquarters in the past and have approached the board of Southam Press. I think it was through their late chairman, St. Clair Balfour--I think that is his name--in any case, the former president of Canadian Heart Foundation, and subsequently we had an explosion of smoking-related articles in the newspapers in Canada, and I think a lot of that had to do with that representation to Southam Press.

The interagency councils at the provincial level are all approaching their local newspapers, and this is truly a networking kind of movement. Our interagency council tries to work with its own members, that is, the professional associations and the voluntary agencies, in having them go out into the communities of Canada and try to influence people in positions of responsibility to enact policies that would support the elimination of tobacco use in Canada. We have not necessarily achieved the gains that we have with those three notable newspapers, but we have made major inroads in having more articles appear in the local media, and I think that is perhaps worth as much as the other.

This has no relationship, but I would like to point out that I went to Queen's, so I am very familiar with the quite responsible social positions taken by the Kingston Whig-Standard, and Brockville is my home town.

Ms. Bryden: I have just one supplementary. In actual fact, the amount of newspaper lineage on tobacco advertising is probably not very great, and billboards and outdoor is probably much greater. Is that correct? Is there very much lineage in newspapers actually advertising tobacco?

Dr. Lauzon: Most of the advertising is done in print media, whether it be on billboards or magazines. Most of it is done in magazines right now, and not so much is in newspapers any more, but it still appears in newspapers. That was done as a voluntary act of the Canadian Tobacco Manufacturers Council in the face of impending legislation. Occasionally we get these droppings from the industry itself, which really mean very little because we made more gains through the fairness doctrine in the US and also in Canada when we could have both the smoking advertisements on television and the anti-smoking commercials at the same time because the people recognized this was a controversial area. They essentially decided in favour of the health side, so the tobacco companies withdrew their broadcasting because they were losing customers and consumers. It had nothing to do with the goodwill of the people, I can assure you.

When we remove them from advertising in the print media, they will be moving to other ventures, you can be sure of that, as they have in Great Britain and other countries around the world. They simply spread their advertising dollars in different media.

Mr. McGuigan: Dr. Lauzon, speaking of advertising, I notice in the United States one of the brands over there starts its ads by saying, "If you smoke, try our brand." The implication is that they are not trying to encourage more people to smoke or new people to smoke, but if they have the habit, to smoke that brand. Do you know the background of that? Is that mandatory or is it a voluntary program?

Dr. Lauzon: It is voluntary, to support their contention that all advertising is mainly oriented to brand switching. It is the only industry in the developed world that uses advertising for brand switching and not to increase primary demand. They are the only people who contend that they advertise simply to make people who are currently using the product use a specific brand. They continually make that contention.

Mr. McGuigan: It is probably a brand that is part of a major stable.

Dr. Lauzon: That is right.

Mr. McGuigan: So they use that as the backup.

Dr. Lauzon: Yes, it is ludicrous. They use both sides of the argument all the time. It is the same thing when it comes to saying that smoking is not dangerous. In all correspondence with the tobacco industry, they will tell you that smoking is not dangerous. Yet, when the tobacco companies go into a court of law and have to fight people who have brought charges against them, they will say the person should have known the dangers of smoking. They use both sides of the argument, depending on the situation.

Mr. McGuigan: I notice in the US their statement about the effects of using cigarettes is a stronger statement than the one here. Have you worked in the field of trying to get a stronger statement here?

Dr. Lauzon: Yes, we have. In fact, the Minister of National Health and Welfare in the fall will be issuing a new series of health warnings that will be mandatory. We have no legislation, but these will be statements, I assure you, that have been accepted by the tobacco manufacturers themselves. They make a public show that they do not want the statements, but in actual fact they do want them because, when they get into a court of law, they can indicate that the consumer knew there was a hazard with the use of their product and, therefore, the companies are not liable.

Mr. McGuigan: There are suits going on in the US by widows, I guess, in most cases. How successful are they?

Dr. Lauzon: None has been successful to date. There are some which have been won, if you will, and are being appealed, but at the final level none has been successful.

Mr. Mitchell: Dr. Lauzon, you mentioned two municipalities that Mr. Sterling and I have the pleasure of representing.

Dr. Lauzon: I am familiar with your pictures on the posts and trees.

Mr. Mitchell: Yes. One gets notorious.

I was a very heavy smoker, heavy as compared to the average two to two and a half packages of cigarettes a day. I cannot honestly say my colleague Mr. Sterling was critical, but I could feel his eyes burning through my back

any time I was with him when I was lighting a cigarette; not only his, but his good wife Jan's.

I was one of those who said, "I do not believe smoking is injurious to your health." My mother died of lung cancer and had never smoked in her life. I do not believe it can be blamed on my father because, although my father smokes, he smokes a package about every two weeks. None the less, that was my position at the time. Prove it to me. I am a typical doubting Thomas.

During the past year, I have gone through some surgery that has proved to me that cigarettes certainly contributed to the problems I had. As a result, I have not had a cigarette since February and I can honestly say I do not miss them. Once in a while a trigger will happen and for five minutes or less I will want one, but I am able to overcome that.

From all this, my problem is that I have gone 180 degrees the other way and I am even more critical than Norm was. I find myself criticizing people and saying things that, when I step back and look at them, I question whether I have the right to say. In many ways, it is like being a reformed alcoholic.

10:50

Knowing that my problem was caused to a great degree by smoking, how do I convince people without appearing to be hypercritical? I intend to support the legislation; do not get me wrong. I can sit in a restaurant today and a cigarette smoker does not bother me. The nicest thing about all this is that I can walk into my closet in the morning and pull out a jacket to wear and I do not smell stale tobacco. That is one of the nicest results. I find myself being extremely critical of people now. How do I deal with the legislation and convince people that this is right for us without appearing to be a sudden revivalist or something such as that? I find it very difficult.

Dr. Lauzon: It goes back to the issue of hierarchy of rights. I have convinced myself that in terms of being courteous to another person, if I were a smoker I would not be able to smoke in his presence without asking, as a normal courtesy, "Do you mind if I smoke?"

Mr. Mitchell: I always did.

Dr. Lauzon: That was normal behaviour in the late 1920s and early 1930s when people smoked in a socially responsible fashion. They did not simply pull out a cigarette or pipe or cigar and smoke in someone else's presence without asking his indulgence. We do not do that any more. We are less courteous as a society. I still find it difficult when someone is discourteous, pulls out a cigarette and uses it without asking me first. If it bothers me, I move. I am not a zealot.

Mr. Mitchell: May I interrupt? I was talking about this legislation the other night to someone who was a smoker but now is a nonsmoker. He said he could not say to a guest in his home, "I am sorry, but you cannot smoke while you are in my home." That gives me a problem because I understand where they are coming from. They are friends. How do you deal with it tactfully? Some friends could take offence and you might never see them again.

Dr. Lauzon: I do not allow smoking in my home. People who come to visit me know that we do not allow smoking in the home or in the car. I was a social outcast in my own family about five years ago when I refused to allow my mother to smoke in the house. My sisters would not speak to me for a month

because it was winter and when she wanted a cigarette I asked her to go outside. My mother has emphysema and peripheral vascular disease. She has asthma. She now has stopped smoking. I think she is here today because I helped her to stop.

An unfortunate health situation is that on the outside smokers appear to be healthy. Men and women get into middle age with this apparently healthy look. Unfortunately, what is going on inside is they are building atherosclerosis, to which you fell victim, and carcinomas are developing. Eventually it will get you. Make no bones about it; if you do not die of a heart attack, smoking will get you in the end. In some organisms, it simply takes a little longer to have an effect. All of a sudden, these apparently healthy people are stricken with heart disease, lung cancer, chronic obstructive pulmonary disease at the same time they could be delivering some of their most important contributions to us.

Among your own colleagues here in the Legislature and in corporate boardrooms, you know how many important people and key family members have been lost, presumably stricken in the prime of life, and they were smokers. Unfortunately, that is what happens. As you know, the best thing you can do for yourself after having a heart attack is not to smoke. It is probably the only thing that people who have had a heart attack can do to reduce the risk of a future one. That is why this bill is much more than simply protecting the rights of nonsmokers. It is a much more important bill than simply doing that.

Mr. Mitchell: I have been clearly warned that if I start smoking again, I might as well chop 10 years off my life.

Mr. Sterling: Dr. Lauzon, you pointed out 16 municipalities in our province which have nonsmoking bylaws. I would like to congratulate each and every one of those. It is also important to note that there are more than 840 municipalities in this province which do not have them. I represent not only the part of the city of Kanata where you reside but also 12 other municipalities. Those other 12 do not have protection for nonsmokers. It is my experience that smaller municipalities do not have the expertise or the time to consider a social piece of legislation such as this. It is important for the province to have an overall provincial piece to cover nonsmokers outside of the large metropolitan area as well as within.

Dr. Lauzon: Actually, I think that is what they are waiting for, sir. They are waiting for the guidance of this provincial Legislature. As you say, many of the municipalities do not have the time or the expertise to move ahead and enact bylaws. They are waiting for directions from their senior government partner. That is why your piece of legislation will be a watershed, if you will, in terms of protection for nonsmokers.

Mr. Mitchell asked me about the social difficulty that we had in terms of asking people not to smoke. One of the purposes of this piece of legislation is to protect that majority and to provide proper signage and direction of where it is not right to smoke and where it is right to smoke. That is what you are going to do with this piece of legislation so the nonsmoker does not have to feel like a social nerd, if you will, by asking the person sitting beside him or her if they would have the courtesy to refrain from smoking.

Mr. Sterling: Thank you very much.

Mr. Chairman: Thank you, sir, for your presentation. It was very interesting. We must move to the next one. I presume all of you in this business know each other. Dr. Pipe needs about five or six minutes to set up and then we will proceed with his presentation.

The committee recessed at 10:56 a.m.

11:00

Mr. Chairman: Could we commence please? Dr. Andrew Pipe is of Physicians for a Smoke-Free Canada. I understand he has just returned from the Far East.

Dr. Pipe: For the record, my name is Andrew Pipe which is, perhaps, an inappropriate nomenclature to speak on this particular subject. I could not help thinking a few minutes ago that the phrase "nonsmoking norm" may be used to describe a certain distinguished legislator as well as a social phenomenon which is sweeping our community.

Mr. Dean: He is a phenomenon, all right.

Dr. Pipe: Thank you very much for the opportunity to speak with you here this morning. By way of making the record complete, I am a member of the staff of the University of Ottawa Heart Institute, the department of cardiac surgery there and thus, in my professional life, see on a daily basis the tragedy that is spread before me in terms of the tobacco diseases which I have to confront. I speak, of course, of coronary artery disease. As well, I am chairman of Physicians for a Smoke-Free Canada, which is a group of hundreds of Canadian doctors who have been alarmed in the past few months to discover that there is absolutely no legislation controlling the single most important cause of disease and disability in our community.

I speak to you this morning to share the sense of appreciation I think we all feel to Mr. Sterling for the tremendous work he has done in preparing this bill, which I trust you will recommend should be presented to the House. I would commend it to all of you and to all of your parties. This is something that deserves their unequivocal and total support.

We, as physicians, are often accused of not paying enough attention to preventive medicine. I sometimes feel physically ill at the number of times that I am confronted by people, usually with a martini and a cigarette in their hand, as they come to me and say, "The trouble with you doctors is you do not give a damn about preventive medicine." We all have a tremendous involvement, in our own ways, in preventive medicine, but I would remind all of us here that the most important and the most progressive developments in preventive medicine have not been made at the hands of the medical profession. They have been made by ladies and gentlemen such as yourselves and your colleagues.

The fact that we in Ontario enjoy the life expectancy we have today is not because of pharmaceutical or surgical or any of the other high-tech approaches we use to treat diseases which are ultimately, ironically, preventable, but because we have had enlightened, healthy, public policy. Only when we have enlightened, healthy public policy do we have good public health policy.

I want to ask you all, as we talk about this subject this morning, to think of yourselves as health care workers, because that is what you are, and the decisions you make in the next few months as you consider this legislation will be far more important and far more productive in a more innovative way to managing disease and ultimately securing the health of the citizens of this province than anything I can do in my professional life. I am a closer of stable doors after horses have bolted. In significantly addressing the health issues that are represented by tobacco consumption in this province, you ladies and gentlemen have the key to that problem.

You must forgive me if at times I do not make much sense. I calculated before I got here that it is now approximately four o'clock in the morning in terms of where my body thinks it really is.

As someone who works in the area of heart disease, I have particular professional concerns about tobacco consumption. We have to realize that the great hazards to our health in our community and in our society are the degenerative diseases, which basically are diseases of our own making, that is, of society's making. They are the diseases of lifestyle. Clearly, the single most important preventable cause of death, disease and disability is tobacco, bar none.

It is astonishing to me that with almost 20 years of evidence to this effect we are still in the situation that Dr. Lauzon has already pointed out to you, where we have absolutely no legislation controlling that single most important preventable cause of death and disability.

There is good news, obviously, and that is that the majority of Canadians are nonsmokers. But there is also some bad news and there is some very specific bad news for Ontario. First, the number of young women in Canada who smoke is up to alarming proportions. Let me tell you that we have an epidemic on our hands, and it is an epidemic of lung cancer in women. Next year, for the first time in Canadian history, more women will die of lung cancer than die of breast cancer each year.

That is a tragedy that you have never seen in the front pages of Chatelaine, the Globe and Mail or the Toronto Star. It is the great untold health disaster of this century, because it is an epidemic that was totally predictable and totally preventable.

Why have we not done anything about it? The cynical part of me suggests that the reason we have not done anything about it is that ladies and gentlemen such as yourselves have not been made aware of this by people such as me and my colleagues. We have a great deal of responsibility to take up in this area. We have neglected to recognize that we must take an advocacy approach in speaking to our community leaders about some of the health problems we face.

Second, in years past, legislators have perhaps paid more attention to the interests of the tobacco industry, which walks with reptilian stealth in trying to subvert any innovative or positive developments in measures to control this epidemic, an epidemic of lung cancer in Canadian women.

More young people have taken up smoking in Ontario in the past year than in any other province of this country. Every province of this country shows a decrease in the rate of youth smoking except Ontario, which shows an increase. Why is that? Because we now have the lowest level of taxation on tobacco products of any province in the country.

As a health care professional who daily has to deal with some of the consequences of tobacco consumption in people's later lives, I think that is an overwhelming tragedy and it is a most unfortunate oversight. Something needs to be done about it, and I hope that with the new spirit that is permeating the Legislature, as evidenced by the kind of intelligent legislation Mr. Sterling has devised and proposes, we can start to move ahead and deal with some of these problems in the years to come.

A great deal of attention has been placed on the health consequences of tobacco consumption and tobacco addiction, but it is only recently that people have begun to look at the problems that are represented by second-hand smoke, or passive smoke or sidestream smoke, all of which are phrases you will come across. I thought that rather than deluge you with pieces of paper, I would try to point out graphically some of the problems that are presented by second-hand smoke and perhaps that would lead to some discussion in the next few minutes.

11:10

All of us are smokers. Very few of us in Canada can ever escape being exposed to second-hand smoke. If you are an average office worker in an average office where 30 per cent of your colleagues smoke, you go home with the levels of nicotine, carbon monoxide, etc., in your bloodstream, urine, saliva and breast milk, if you are a breast-feeding mother, that are equivalent to having smoked anywhere between two and 11 cigarettes a day.

Smoking is more than just a problem for the smoker or the smokers. It is a problem for all of us who are compelled to smoke other people's cigarette smoke. As you will appreciate, it is particularly significant in the modern, high-rise, hermetically sealed office building where the air is constantly recycled. In one sense or another, we are chained to smokers in our particular environments.

I want you to consider for just a minute in what other area does our society order or organize itself to cater to the needs of addicts. Why should we be here in 1986 arguing that people who choose not to smoke should be protected from the health hazards that are represented by the addictive behaviour of others in the society? To me, it is ironic we are even discussing this question.

Is it a serious health problem? Let us basically understand that the second-hand smoke that comes off a burning or an idling cigarette or cigar in an ashtray is far more toxic than the smoke the smoker draws into his lungs. There is a very good reason for that. The temperature of the burning cigarette end as it sits in the ashtray is much lower than that of the end of the cigarette when the smoker takes a drag on it. As a consequence, the combustion is much less complete and, as a result of that, the byproducts of that combustion are far more florid and far more prevalent.

I apologize for trying to cram too much information on this slide. Basically, this looks at the ratio of some of these compounds in sidestream smoke as opposed to mainstream smoke. For instance, carbon monoxide is 2.5 times more prevalent in the sidestream smoke than it is in the smoke that the smoker inhales directly.

Let us go to formaldehyde, and we all know about formaldehyde. Gosh, we have had a great flurry of legislation to get rid of all this insulation in

our houses. We are all tremendously concerned about this health hazard; yet it is 51 times more prevalent in second-hand smoke than it is in mainstream smoke. Indeed, most of the formaldehyde in many of the buildings, whether or not they have insulation, comes from cigarette smoke. We can also look at things such as N-nitrosodimethylamine, which is a Latin word for something very bad, I suppose. It is 830 times more common in sidestream smoke than it is in mainstream smoke.

The standard argument that is always given to me is: "Oh, you doctors, you are always getting a little exercised about this sort of nonsense. I have to drive a car in downtown Toronto every day. I have to walk along the sidewalk of Yonge Street. What am I breathing into my lungs?"

Let me tell you what you are breathing into your lungs. This evidence was taken from air samples inside a car, with the windows slightly open and the ventilation fan running, as it was stuck in traffic in either Washington, DC, or Los Angeles. I am sorry; I cannot remember which. This is a nonsmoker's car. The levels of what we call respiratory suspended particles, which are all the little goonies that get into your lungs and cause the problems, are about 40, 20, 54, 49 and 25. Keep those figures in mind.

Here are the levels of respiratory suspended particles in some of the common indoor environments that we inhabit: a cocktail party, 351; a lodge hall, 697; a bar and grill, 500 to 600; a firehouse bingo, 417. Just a word about bingos; bingos and bingo games are probably the most dangerous indoor environment that anybody could ever expose himself to. I suggest you go to one just to appreciate how nice it is to be in a nonsmoking environment after being inside one. Other indoor environments are: bowling alleys, 202; a hospital waiting room, 187, almost five times the level of respiratory suspended particles that are found in the middle of a freeway in a traffic jam with all the cars' exhausts idling.

There is no question that there are tremendous levels of very harmful products in second-hand smoke in many of the public areas that, of necessity, you and I must be in, whether it is a shopping plaza, bank, restaurant or a hospital waiting room.

Who are affected by some of these products in some of these concentrations? The first victim of second-hand smoke is the unborn child. We know quite clearly that children of mothers who are smokers have a much higher incidence of prematurity, of what we call infant respiratory distress syndrome and of congenital abnormalities. They do not begin to read as early in the first five or six years of their lives as do children who are born of nonsmoking mothers. There is a great deal of evidence about the effects of that type of passive smoking.

Two or three weeks ago, even more compelling evidence about the significance of second-hand smoke came from an American and a Scandinavian study, which showed that nonsmoking mothers who live in a house with a smoking father have children who weigh considerably less than do children of nonsmoking mothers who live in homes with nonsmoking fathers. The husband's smoking habits affect the unborn child in the nonsmoking mother.

This is quite reasonable because we already have evidence that nonsmoking women who live with smoking men have a much higher incidence of lung cancer than do nonsmoking women who live with nonsmoking men. In Canada, it is estimated that every year 500 lung cancer deaths are caused in nonsmokers as a consequence of their being exposed to second-hand smoke.

Second-hand smoke clearly provides a number of hazards to young children. We know that children who live in homes where the parents are smokers have a much higher incidence of middle-ear infections, bronchitis, pneumonia and lung infections and, consequently, are seen in hospital emergency rooms far more frequently than are children who live in homes where there are no smokers in the household.

An interesting study was done in Hamilton, Ontario, a short while ago, which tried to assess the impact on the health of young children in terms of their proximity to the Hamilton steel mills and smelters. They concluded that it did not make any difference where you lived in Hamilton. The only important thing in terms of the respiratory health of the children in that community was whether one's parents smoked.

In adults, second-hand smoke can be very irritating as measured by an increased rate of blinking of the eyes and an increased rate of tear production in adults in a smoking environment. Nasal congestion becomes much worse. Then you start to see some of the symptoms that are so typical of the so-called closed building or tight building syndrome: headache, nausea, dizziness, cough and sore throat and diminished appetite. Some would be willing to argue that those are only nuisance symptoms.

There are other problems that occur, particularly with people who are unfortunate enough to have asthma or who have heart disease, because people who have heart disease have what we term a lowered anginal threshold in smoke-filled environments; that is, they will experience their anginal or chest pain symptoms with the chest pain coming because the heart is not getting enough blood supply at a much earlier level of physical activity in a smoking environment than they would in a nonsmoking environment.

I can just pass on anecdotally, if you will, that we see a tremendous number of people who suffer their heart attacks early in the morning after sitting around the security guard station at their plant or factory site or wherever it is. I guess security guards tend to be fairly heavy smokers and these little waiting areas tend to be full of smoke. The story is heard too often to be circumstantial or coincidental. Men, usually, who go in and spend 10 or 15 minutes chatting with the security guards, walk out the door and then have their heart attack, having been exposed to a tremendously smoky environment.

Smoking is the most significant preventable risk factor for cardiovascular disease. One has to understand that smoke contains a lot of carbon monoxide, which kicks off oxygen from the red blood cells. The red blood cells carry oxygen around the body. At the same time as the oxygen is being kicked off by this carbon monoxide, the nicotine in cigarettes is making the heart beat faster and raising the blood pressure.

As far as the heart is concerned, being exposed to a smoking environment is a little bit like what happens to your car's automatic transmission when you step on both the gas pedal and the brake at the same time. It is for these reasons that people who have heart disease are particularly at risk in smoke-filled environments.

The Department of National Health and Welfare summed this up very nicely in its publication Chronic Diseases in Canada when it said that the majority of nonsmokers seemed blissfully unaware of the health hazards due to their exposure to tobacco smoke.

11:20

we recognize that legislators have a tremendous responsibility to care for the environment. They secure the cleanliness and the potability of our water and of the air we breathe. We rely upon legislators to ensure the safety of the work place, and yet in none of these areas has anybody ever looked at enforcing some standards of safe air in the work place, particularly with reference to the products of tobacco combustion in that air.

Many of the hospitals in this province have recognized belatedly their responsibilities and obligations in this area. In Ottawa, we have Canada's first totally nonsmoking hospital, the Ottawa General Hospital. The Ottawa Civic Hospital, to which our institution is attached, now makes provisions for smoking only in physically separate, externally ventilated, specified environments. Patients are not allowed to smoke in their rooms.

Let me just say that in the Canadian situation with the climate we have to confront in the winter, the costs to ventilate a building adequately to remove all these compounds from the air are prohibitive. At the same time, the only way you can guarantee the safety of employees, customers, or whatever, in any public place is to make sure smoking occurs in a physically distinct, separate, externally ventilated environment.

Even though we are capable of all kinds of surgical and medical heroics, ladies and gentlemen, I conclude by saying that we are really, as I mentioned, closing stable doors after horses have bolted. The only intelligent way to practise medicine is to practise preventive medicine. Therefore, I think it is incumbent upon us all, health care professionals and community leaders and legislators, to recognize that we have specific responsibilities to remove the risks that are posed to all the members of our communities as a consequence of their exposure to tobacco smoke.

I consider this place a medical environment and I consider some of the consequences of what takes place in this environment and other environments across this country just as important as what takes place in our operating room or in our coronary care unit at our hospital. The difference is that you will not see any great news stories about 3,000 deaths prevented. You will see all kinds of new stories and a tremendous amount of media attention paid to heart transplants, etc. That is the glamour side of medicine. This is not glamorous. It is also probably in the final analysis much more significant.

Finally, I want to mention that smoking causes an unparalleled drain upon the resources of this province and of this country. We hear a great deal about the tobacco tax revenues which are generated, but we do not hear anything at all about the cost to society in terms of increased absenteeism, increased numbers of fires, decreased productivity and increased rates of illness. It has been calculated that smoking in Canada costs the economy in excess of \$4 billion to \$6 billion annually, over and above the revenue generated by tobacco taxation.

I want to stress that I am here being pro-health; I am not here being anti-anything. I am certainly not here being anti-smoker. I think smokers at the hands of many in my profession have perhaps been a little unfairly treated. We have always thought if we present the facts, people should be able to quit smoking, and if they cannot, that is fine. We really have not understood that people are in the grips of a very powerful addiction. We have not dealt with that in the way that perhaps we should have. Similarly, we have

not gone out of our way to make sure young people in our communities do not start smoking.

As well as securing a safe, healthy environment for people in public spaces around this province, this legislation will very definitely go a great distance to demonstrate to young people that smoking is not the social norm. I am sure all of you go and address schoolchildren in the course of your daily work. It is always a source of acute embarrassment to me to go and speak to a group of schoolchildren generally about smoking and health and have some incredibly perceptive and searingly intelligent six-year-old say: "If it is so bad, why do they allow it to take place? Why do they allow it to be advertised? Why do not people preclude people from smoking in public spaces?" I am left to say that many of the adults in our society are not capable of the degree of logic that children can have with their clarity of thinking.

The vast majority of members of our population would support this legislation. Sixty per cent of smokers favour control of smoking in public places. Air Canada's experience in the past few months has been that its implementation of a smoking ban on some of its flights has met with a tremendous flood of public acceptance, from smokers as well as from nonsmokers.

In closing, I congratulate Mr. Sterling again for his perception and his industry. You have done the people of this province a great service, sir. I hope your colleagues will recognize what is involved in this bill and that when, as I am sure it will, it reaches the floor of the Legislature, that it will receive their overwhelming support. Thank you very much for your attention.

Mr. Chairman: Questions?

Mr. Pollock: You mentioned some of the studies and statistics that you had on smoking. Have you any statistics on other tobacco-related activities, such as chewing and snuff and that sort of use of tobacco?

Dr. Pipe: There has been a tremendous upsurge in the incidence of oral cancer; that is, cancers of the gums, lips and tongue, particularly in young people, with the resurgence of the smokeless tobacco products. This has caused a great deal of concern, particularly south of the border where it seems to be more of a problem than it is in Canada. The American Cancer Society, for instance, has targeted the use of smokeless tobacco and particularly has targeted athletes, baseball players who might use this. None of the Kansas City Royals players chew tobacco any longer, simply because they recognized the effect it was having upon young people watching their baseball games.

That is another tragic story, the full impact of which will not be evident for several years as the consequence of that form of tobacco habit becomes clear.

Mr. Pollock: Is there quite a distinct difference between the use of chewing tobacco and snuff?

Dr. Pipe: Between those two, or between those two and cigarettes?

Mr. Pollock: I always thought, from some of the comments you sometimes hear on television, that snuff was far worse than chewing tobacco. Is that right?

Dr. Pipe: I think it is. I am not as familiar with the effects of smokeless tobacco as I am with tobacco. I suppose the reason for that is that I do not work with the mouth and the throat; therefore, my professional interests do not lie in that direction. Certainly any tobacco product that comes into contact with what we call mucous membranes, which would be the linings of your lungs or your mouth, if the exposure is appropriate, will ultimately lead to cancerous changes in those mucous membranes.

Ms. Bryden: I would like to ask whether Dr. Pipe could make those charts available so they could be added as an appendix to Hansard. I think they are very useful, particularly the figures on the percentage increase from sidestream smoke as opposed to direct smoking, as well as the figures for bingos and gatherings of that sort.

With respect to events such as bingos or other gatherings of the public for either sports or recreation, is it sufficient to have nonsmoking areas? Can they be separated enough from the other attendees, or should smoking be completely banned at events such as bingos? I do not think you could ever ban it at cocktail parties, unless you have a smoking area out on the front porch.

Dr. Pipe: That is where Dr. Lauzon's mother is mostly.

Ms. Bryden: Apparently it worked in that case.

Dr. Pipe: All kidding aside, that is a very important component of the usefulness of this legislation, because in my experience of dealing daily with smokers who as a consequence of their surgery or their disease have had to attempt to stop smoking, they say the most important thing that has helped them has been that they were no longer allowed to smoke at work or in a particular environment.

The fact that it is accepted that nobody will smoke in the room where you spend most of your days probably makes it a whole lot easier for those of you who are smokers to become nonsmokers. That cannot be underestimated in terms of its effect. Many researchers say the most significant factor in terms of changing the smoking habits of a society is not the fact that we all have information about how many people die of cancer and heart disease and whether it is going to cause your body to rot; it is that it is no longer socially acceptable. Therefore, that is the button we should start to push.

11:30

Ms. Bryden: What about having a nonsmoking section at bingos? Would that help?

Dr. Pipe: That would be a great step. I think you will have far more difficulty enforcing it there than you will at a cocktail party. Bingo halls are much deadlier environments than the hearths of smelters in terms of the amount of pollution present in the air.

I do not think we should go around on a witchhunt against smokers. Clearly, there are some people who are addicts. All smokers are addicts, but some of them are unable to shake that addiction. If some of those people choose to assemble in terribly smoky environments, then, I suppose, so be it. I go on record that we should mandate that any smoking area be physically distinct and externally ventilated.

Mr. Mitchell: Doctor, I have a bit of a problem with what appears to be divergence of opinion in the medical profession itself.

Dr. Pipe: I often have a problem with that myself.

Mr. Mitchell: Going back again to specifics dealing with myself when the angina came on me, I have some difficulty. My doctor, who shall remain nameless, said I could not stand the additional stress of immediately quitting smoking at that time and that I should attempt gradually to reduce it, which I did. I was able to reduce it quite considerably.

There appears to be some contradiction there between sides of the medical profession. You mentioned what the Ottawa General Hospital and the Ottawa Civic Hospital are attempting to do. I was on the board of the Queensway-Carleton Hospital. As a board member, I was totally opposed to that hospital passing a no-smoking law within the hospital. I totally disagree with it on the basis that if the cigarette is something that calms and helps, during their last few hours, those who are terminally ill and who have been smoking all their lives, I frankly do not feel it is my right or the hospital's right to take that away from them.

I get angry at a hospital doing that. I am saying that as a confirmed nonsmoker now. I feel there are situations in a hospital where the patient--I am not talking about the visitor; I am talking about the patient--has to have that right. In my opinion, the hospital, if it is at all concerned with not only with the physical ailment but also the mental ailment of its patients, has no right to do that to those people.

Dr. Pipe: In responding to your comment, let me say that rigid and inflexible rules and regulations are probably never the answer and can never deal with all situations. I think that in certain circumstances a terminally ill patient should be able to smoke in a particular area as long as that smoke is not harming others.

Let me ask you this question: Do you think we should allow alcoholics to drink in our hospitals?

Mr. Mitchell: Yes, I do, as a matter of fact.

Dr. Pipe: Even when they are admitted for their alcoholism?

Mr. Mitchell: Controlled, obviously. In other words, we are trying to wean them. I am not a medical man. I do not know whether it helps in reducing their intake, but gradually wean them off. With myself it was the shock of my surgery that completely took me off cigarettes. I am not sure the weaning process would have done any good for me. I am being honest.

I can go to a personal situation with someone who I know is an alcoholic, who tried the Alcoholics Anonymous routine and it did not work, but someone staying with him and gradually weaning him off it did work. Maybe I was too abrupt in the answer. There has to be a way of helping people to overcome their problems, but we are not all able to do it on an immediate basis. There has to be some flexibility there.

Dr. Pipe: Yes. The experience in smoking cessation shows that perhaps the most effective way for smokers to stop smoking is to go cold turkey. To the extent that hospitals are able to assist smokers in using that

technique by mandating that the hospital environment be nonsmoking, then that is a very good thing for hospitals to do.

Second, the vast majority of the patients in our hospitals--and, as you know, 30 per cent of the tax dollar you spend goes to the provision of health care resources in this province--and a very significant number of people seeking medical help in this province do so in some way as a consequence of their tobacco addiction. Therefore, it does not seem to me appropriate that hospitals, which should stand out as beacons and flagships of health in our community, should get themselves into the position of a double standard whereby they are saying, "You should not smoke, but we cannot really tell you not to smoke."

Mr. Mitchell: But, with respect, they are running a double standard now. What do hospitals teach you about nutrition? What do doctors teach you about nutrition generally? They are concerned with the illness, not the--

Dr. Pipe: I could not agree with you more. You have made my point entirely.

Mr. Mitchell: That is what bothers me about this whole medical system.

Dr. Pipe: That is why I am here today struggling with you to suggest that you have an opportunity to exercise that--

Mr. Mitchell: I intend to support the bill; do not get me wrong. I am just concerned that there are situations--

Mr. Chairman: You have too much time to think when you are in the hospital.

Mr. Henderson: I would like to compliment and congratulate Dr. Pipe on an excellent and thoughtful presentation. Since I am also a physician and I am trained in public health as well as in medicine, my bias is to agree absolutely with the thrust of everything he said and with the general thrust of Mr. Sterling's motion. I want to emphasize that so that Mr. Mitchell will know there is no divergence of medical opinion in this room right now.

It seems to me that the thrust of this kind of initiative is long overdue. On the question of individual rights versus the collective good, which I too feel very strongly about, one has to make an individual decision in each situation where that issue arises, and in this case the collective good, which is also the sum of individual goods, is clearly an outweighing consideration.

My only concern is with your statement that the only intelligent way to practise medicine is to practise preventive medicine. Are you sure you do not mean that a surgeon who confines his activities to operating on people with lung cancer is not practising intelligent medicine?

Dr. Pipe: No, and thank you for pointing out that statement, which perhaps reflects more hyperbole than thought but is a philosophical approach. We would all agree that the prevention of disease is ultimately a goal to be sought, as opposed to trying to cure established disease--when we can prevent it.

Dr. Henderson: I would make the point--and I am not being frivolous--that we can occasionally fall into the trap of thinking we are talking about either-or when we talk about treatment versus prevention. It is important to realize that this is not the case, that prevention is being added to the thrust of doing good work and that treatment is in no way being detracted from in the course of that. That is important to remember when it comes to budgets and fiscal matters as well.

11:40

Ms. Hart: I share your concern about the introduction of young people to this habit, to the market, but I am a little concerned about your statement that in Ontario this year more young people began to smoke and that that is directly attributable to the low tax. Do you have studies to base that on? Although I am a nonsmoker par excellence, I am concerned about that because there may be many other factors; Ontario has the healthiest economy in Canada and other factors. Are there any studies that directly relate the cost of cigarettes to the incidence of young people entering the market?

Dr. Pipe: That is an excellent question. It raises the whole question of price elasticity, which, as someone who took only one course in economics at university, I will struggle to comprehend. Studies in both Ontario and, most recently, Michigan have shown that raising the actual on-the-street price of cigarettes by 10 per cent will result in a four per cent decrease in consumption by adults. However, in adolescents, who presumably have much less disposable income, that decrease in consumption is somewhere in the neighbourhood of 14 per cent. So the price is a very important factor in curtailing smoking activities among the young. Therefore, taxation is, again, another public health instrument, if you will, in terms of dealing with the problems related to tobacco diseases. I would be happy to try to forward those studies to you.

Ms. Hart: I would appreciate that.

Another area of concern to me is young women entering the market. I find those Virginia Slims ads bordering on the nefarious. I always have, even though they appear in news magazines.

I am a little concerned with what Dr. Lauzon attributed as a reason, women being more involved in business. I agree that my sample would be very small. I have been involved in business in downtown Toronto, which is a very small sample. There, fewer women than men smoke. Across Canada, the numbers will change.

Where I see the increase is in groups of young girls who do not have the hope of getting into business and do not have the hope of a good economic future. I do not know; I just put that forward as a possible theory. Perhaps smoking gives them that little bit of glamour, since they do not have any real hope in their lives other than to get married, stay home and have babies, because they do not have the preparation to participate fully in our economy.

I am concerned about that statement. Do you have any studies or paper to which you can refer me about why young girls in particular are attracted to smoking?

Dr. Pipe: As Dr. Lauzon commented, the reasons for that are not crystal clear. There are a number of theories. Weight control is felt by many

to be an important factor. The fact that our society dictates that women should assume a certain shape and have a certain figure leads many young women to smoke as a form of diminishing appetite. If you look at the cigarette advertising, as Dr. Lauzon pointed out, the tobacco industry capitalizes on that with long, slim, ultra-slms, leans.

Ms. Hart: It is devastating.

Dr. Pipe: It is reptilian.

Second, I think you are right; I think smoking generally more and more tends to be an addiction which occurs with significantly more frequency among people of lower social-economic status or lower social-economic expectation. It correlates very highly with levels of education, for instance.

I think you correctly identified an attempt to be glamorous and fashionable. Once again, this is capitalized upon by the tobacco industry in its advertising, which shows glamorous, slim, alluring young models, usually with charming young beaux on their arms. It all creates this social backdrop of smoking as being almost a fashion accessory.

I do not think women are any more susceptible to the stresses and strains of commercial or business life than are men. However, for some time I think women did smoke in an attempt to assert their independence in reaction to a situation where it was considered inappropriate for women to smoke. The counter-reaction was, "Nobody is going to push me around and tell me what to do"; ergo, "You have come a long way, baby." Again: "Be independent. Flaunt your individuality. Do not succumb to the social norms of women being nonsmokers and make a statement." All of these things are capitalized upon by the industry.

Ms. Hart: Another article I noticed in the newspaper--I think it was just very recently--was a statement that in the Soviet Union there is a very stiff policy against smoking advertising; yet it has one of the highest rates of consumption in the world. The reason put forth was that the cost of cigarettes is also one of the lowest in the world. Do you know anything about that?

Dr. Pipe: Once again, increases in price and availability of cigarettes go hand in hand with the incidence of smoking behaviour. I think you are quite right. A day and a half ago I was in China, where cigarettes are extremely low-priced and where smoking is very commonplace, presumably for the same reason. I would caution, however, that one should not attempt to make comparisons between our kind of economy and society and smoking behaviour in terms of the different type of economy and society that exists in the Soviet Union and in China. I do not think you can say because there is no advertising and no nonsmoking areas in public places in the Soviet Union that those approaches do not work to diminish tobacco consumption. We are comparing apples and oranges in terms of our differing societies.

Certainly, experience in other jurisdictions--Norway is the most striking--shows that comprehensive and consistent programs to deal with tobacco, based on increases in taxation, abolition of advertising, the kind of prohibition of smoking in public places or protection of nonsmokers in public places that is reflected in Mr. Sterling's bill, all have had a dramatic impact, both upon the rate of increase in smokers in young people and the absolute level of smokers in adults.

Ms. Hart: Thank you.

Mr. Sterling: I will be very brief. I point out to members of the committee that when Mr. Mitchell and Dr. Pipe were talking about the hospital situation, the bill specifically does not deal with one or the other. It just creates the right of a patient when he goes into the hospital to demand a nonsmoking accommodation, and then very specifically says that has to be well-ventilated, totally away from the smoking area.

In terms of the consumption being directly proportional to the price of the cigarettes, my concern is with taxation of tobacco products here in Ontario. The taxation portion of the price of a pack of cigarettes has not kept up with inflation since June, 1984. That covers part of the period when I was a part of the government, but it has not kept pace with that and therefore it might be in part the cause of the rise of cigarette consumption by our young people.

I do not think anybody has mentioned it today, but I think Dr. Lauzon might have had a green copy of the--

Dr. Pipe: Ontario Council of Health.

Mr. Sterling: Yes, the report to the Ministry of Health. Was it the Ontario Council of Health?

Dr. Pipe: It was the Task Force on Tobacco of the Ontario Council of Health, 1980.

Mr. Sterling: Dr. Lauzon is showing a copy of it. It deals directly with the consumption-versus-price issue. That is where the very crux of my bill was taken from--the recommendations of that report.

The only other question I had was that you are very much involved with the heart institute in the Ottawa Civic Hospital. I think about 1,000 patients now are receiving bypasses in that hospital at a tremendous cost to every taxpayer in Ontario. Do you try to keep any statistics in term of the number of smokers out of those 1,000?

Dr. Pipe: I would say the overwhelming majority of those patients. It is an unusual day when somebody has heart disease requiring heart surgery who has--we are talking about coronary artery disease because some of those surgical procedures are on people who have artificial heart valves and so on. I cannot recall seeing at any time in the past six months a patient who was operated on for coronary artery disease who was never a smoker.

11:50

A few weeks ago we went in and did a heart bypass so that the patient would be strong enough to survive the removal of his lung, which had to be removed because of lung cancer that was caused by tobacco, as was his heart disease. When I tell the story, people are astonished. We did three of those procedures that week.

One of the problems is that all these types of things are taking place behind the closed doors of our hospitals. Physicians see this type of situation and we are so involved with the attempts to manage these particular aspects of these problems that we have not expended as much time trying to

tell you about them. We have a real problem with tobacco. I just wish I could speak to each and every member of this Legislature individually for half an hour and say, "Gee, we have to do something about this." Fortunately, Mr. Sterling's bill has provided me with the opportunity to come to talk to you about this. I think this represents a fresh approach to these problems. We have a big problem.

Mr. Chairman: Thank you very much, Dr. Pipe. We are running a little behind time. In fairness to our next participant, we had better conclude with that fine presentation.

Mr. McGuigan: Smokeless tobacco was mentioned and how it might be of interest to the doctors. I used to grow smokeless tobacco. The excuse given for it at that time was that it was for people who worked in industries where they could not smoke--forestry, mining and so on. No mention was made of young kids chewing it to emulate the ball players.

One of the processes in curing that tobacco is to put wood fires underneath the hanging tobacco. We used green elm because any elm burns very slowly, but green elm burns particularly slowly.

Mr. Pollock: If it burns at all.

Mr. McGuigan: Every year it burns down a barn or two. Nevertheless, we figured that the tar generated from that smoking process added about 200 pounds per acre. In addition to the tar that is in the tobacco leaf and stem, there are about 200 pounds of tar added per acre of tobacco. You can grow about a ton to the acre, but about 10 per cent of that is wood tar.

Mr. Chairman: That is what chews for a long time.

Mr. Pollock: That was the end of the chewing tobacco.

Mr. McGuigan: When you hear about the chimney sweeps and people who do tarring of roofs and so on, they have a higher incidence of cancer than normal. The people who chew tobacco chew up to 10 per cent tar that has been added to the tar that is already in the tobacco. I do not grow the stuff any more.

Mr. Dean: I guess I will not start.

Mr. Chairman: The next presentation is from George Brown of the Economists, Statisticians and Sociologists Association, Toronto branch. Mr. Brown, welcome. Sorry to keep you so long.

ECONOMISTS, SOCIOLOGISTS AND STATISTICIANS ASSOCIATION

Mr. Brown: It is okay. It gave me some time..I listened to the very interesting presentation that you just heard and I found it very intriguing.

As I was introduced, I am here to represent ESSA, which is the Economists, Sociologists and Statisticians Association wherein we represent about 2,350 employees of the federal government. Although we go right cross Canada, the majority of our members live and work in Ontario.

The specific concern of our submission is smoking in the work place. The intent of our proposal is simply to eliminate, if possible, involuntary

exposure of persons at their place of work to secondhand tobacco smoke. A basic assumption of our whole position is that secondhand tobacco smoke is not merely an irritant but also a dangerous substance. This is especially true if one considers it is a substance that is ingested at the place of work over a long period, eight hours a day, 37 to 40 hours a week, 50 weeks a year. I think everyone will agree the work place provides conditions of involuntary exposure. It is not like a bingo parlour or restaurant where there is some element of choice. Ordinarily, one cannot leave one's work station to avoid smoke; one has to remain there as part of the contract of employment.

This underlines the seriousness of the problem in the work place, more than any other area in our society or any other circumstance. The ESSA position I am advancing is that tobacco smoke in the work place is a very serious problem, because 50 per cent of our employed population faces the hazard of secondhand tobacco smoke. In a very real sense, this exposure is involuntary. I cannot stress that enough.

As a minimum, ESSA proposes a ban on smoking in public places, including those in the work place and, ideally, the elimination of smoking in the work place except in segregated and independently ventilated areas. It is clear there is a conflict between the rights of smokers and nonsmokers. It is our position that the right of nonsmokers to be free of exposure to the dangerous substance byproduct of smokers must take precedence over the rights of smokers to carry on smoking freely in the work place. Again, I emphasize the special circumstances of the work place, where people have no option other than to sit there and ingest the substance hour after hour and day after day.

My personal view is even stronger than the ESSA position. We are facing almost a crisis when one considers the number of people who are involuntarily exposed to tobacco smoke. In the early stages, in the short run, in the foreseeable future, it is clear that in practice the option of having segregated, independently ventilated areas simply will not exist. The costs would be enormous and prohibitive. In practice, we are really talking about a ban on smoking in the work place to protect the health and safety of the majority of people who are there as nonsmokers. This should still apply if nonsmokers are in the minority, when one considers the very serious health consequences of ingesting this substance over a long period of time.

12:00

I have just obtained a copy of Bill 71. Mr. Sterling should be congratulated on his initiative. I do not think my association has had a chance to look at this and take an official position or make official comments. I just glanced at it while waiting and I would comment that, if anything, the act could be strengthened with respect to its provisions dealing with smoking in the work place because of the unique circumstances that exist there, where people literally do not have a choice but to be exposed to this substance.

This is clearly an area where legislation is required, and the onus rests on the government to pass a strong law that will protect people in the work place. I have not read this thoroughly, but from the quick glance I had through it, it seems there might be enough loopholes here that we could see these problems persisting in the work place for some time even if this act were passed.

I realize that you have to sell this politically in a sense and that if you make it too strong, we may be throwing the whole thing out. You have to compromise in some ways, but it is unfortunate that the compromise has to take place with respect to the area of the work place. I can leave a restaurant where there is too much smoke; I do not have to go to a bingo hall or a theatre and so on. There is an element of choice in all these areas. But I cannot leave my place of work. One of the most serious problems of smoking in our society is in the work place.

That is about all I have to say.

Mr. Sterling: Thank you very much for coming before the committee, Mr. Brown. I appreciate your time and effort to come down from Ottawa. I know of the problems that many of our federal public servants have had in relation to some of the newer buildings, particularly with ventilation systems and that kind of thing and the sickness resulting from them.

I would point out to you that Bill 71, in dealing with the work place, provides a regulatory mechanism for the cabinet to make regulations dealing with smoking in the work place, and I thought that was the mildest form of taking the issue into consideration.

You may also be interested to know that I have introduced another bill dealing specifically with smoking in the work place that is an amendment to the Occupational Health and Safety Act that deals with it in a very much stronger manner. It is a second step in dealing with smoking in the work place. The second bill creates a right of the workers--

Mr. Brown: To breathe.

Mr. Sterling: To breathe, and it is a very strong right. Whether or not that act will be necessary, I am not certain. My first approach was to try to be as conservative as possible in dealing with the issue of smoking in public places and in the work place.

I did say in my opening remarks, which you were not here for--and understandably so--that in the responses of about 25,000 people from this province, the overwhelming concern has been smoking in the work place, and for the very reason you stated. You do have a choice to go into a theatre or a bingo hall or wherever, but you do not have a choice in going to work to make your daily living.

It is going to take some understanding on the part of both the management side and the employee side to reach a conclusion. What I have heard from some groups has been, "Let them work it out." I am fortunate enough to be very close to the president of the Gandalf company, which has some 800 employees, most of whom are in the Ottawa-Carleton area. Mr. Cunningham has indicated to me that the biggest management issue he has is smoking or nonsmoking on his premises; it is very difficult for either management or the employees to take a position on it. Surprisingly as it might seem from the management side, he would like to see government take a position on the issue and therefore in some way resolve the management issue. Therefore, it is a significant problem in the work place, not only from the employees' standpoint but also from the employer's standpoint.

Mr. Brown: Yes.

Mr. Sterling: He does not want to lose his good employees who are smokers.

Mr. Brown: That is right.

Mr. Sterling: Yet he does not feel he has the mandate to walk in and tell them to stop smoking.

Mr. Brown: I might just clarify that I am the president of the Toronto region group and am based in Toronto. I was asked by the Ottawa president to attend because the hearing was going to be here.

I might also add that philosophically, and I am speaking personally and not for ESSA, my bias is towards individual rights when there is a conflict between individual rights and some so-called public good. In this case, I think it is so clear that we have to come down on the side of the nonsmokers because of the seriousness of the health issue. I just do not think it is even a rights issue.

The doctor who preceded me was also quite a good economist and made some comments along those lines. I fully support everything he said to do with price and the need to increase tax levels and so on, but I am not so much concerned, nor is our association, with smoking in general. In a way, if people really insist that they want to smoke, I do not feel it is for me to judge whether they should or should not.

I am not so much concerned about price and discouraging people in general as about protecting people who are nonsmokers from the health risks that come from exposure to secondhand smoke. That is the crux of the issue. When one focuses on that, it diffuses this issue of the rights of smokers versus the rights of nonsmokers, management versus union and all these other sorts of red herring issues.

I would like to thank the committee for extending the opportunity to us to appear before you, especially when it is considered that your law might not apply in our jurisdiction. We fully support your initiatives. We are working in the federal sphere to have similar legislation brought about.

Mr. Chairman: Thank you very much for your presentation. With that, we will do whatever until 10 a.m. tomorrow. I hope to see you all out on time.

The committee adjourned at 12:07 p.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

NON-SMOKERS' PROTECTION ACT

THURSDAY, SEPTEMBER 4, 1986

Morning Sitting



STANDING COMMITTEE ON GENERAL GOVERNMENT

CHAIRMAN: McCague, G. R. (Dufferin-Simcoe PC)

VICE-CHAIRMAN: Dean, G. H. (Wentworth PC)

Allen, R. (Hamilton West NDP)

Bryden, M. H. (Beaches-Woodbine NDP)

Cousens, W. D. (York Centre PC)

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Hart, C. E. (York East L)

Henderson, D. J. (Humber L)

McGuigan, J. F. (Kent-Elgin L)

Pollock, J. (Hastings-Peterborough PC)

Reycraft, D. R. (Middlesex L)

Substitutions:

Sterling, N. W. (Carleton-Grenville PC) for Mr. Guindon

Wiseman, D. J. (Lanark PC) for Mr. Cousens

Clerk: Deller, D.

Witnesses:

Individual Presentations:

Taylor, D.

Timpauer, A.

From the Canadian Cancer Society, Ontario Division:

McClory, R. M., Executive Director

Devenney, R., Brief Developer

From the Interagency Council on Smoking and Health, Durham Region

Seto, E. S.

From Qualitytype Co.:

Krull, G., President

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON GENERAL GOVERNMENT

Thursday, September 4, 1986

The committee met at 10:13 a.m. in committee room 2.

NON-SMOKERS' PROTECTION ACT
(continued)

Consideration of Bill 71, An Act to protect the Public Health and Comfort and the Environment by Prohibiting and Controlling Smoking in Public Places.

Mr. Chairman: This is the second day of hearings regarding Bill 71. We have with us this morning Dean Taylor and Albert Limpauer, who are going to make a presentation. Will you please come to the microphones closest to you. It is Dean on my right and Albert on my left. Please proceed.

Mr. Taylor: Albert and I both work for Air Canada, and we are going to relate our experiences in trying to get a nonsmoking policy at Air Canada on the ramp.

Albert has been with the company for 17 years and I have been with the company for just over 12 years. We did accomplish getting a nonsmoking policy. However, it has taken us three years to get it. I am going to give you a rundown of what it took to get this policy. Keep in mind that it took us three years. I will skip over a lot of the trivia.

In September 1983, we began requesting a nonsmoking policy in our work area from both the union and the management of Air Canada. They were reluctant even to address the problem. We waited eight months before they agreed to put it on the agenda of the health and safety committee.

This health and safety committee of ours is co-chaired by a customer service manager and a union executive. Neither one of them was willing to do anything about even discussing the problem. Because of this reluctance to do anything, after eight months, we began to write a great number of letters, mostly to the Department of Labour, the Minister of Transport, the president of the International Association of Machinists and Aerospace Workers in Washington and the vice-president of the IAM in Canada. We wrote to a great number of people whom we tried to inform about our problem.

A month after we wrote those letters, the problem was put on the agenda for the health and safety committee. After several months of discussion within the committee, they agreed to do a survey concerning the nonsmoking policy. They found that two thirds of the contract people on the ramp were in favour of some sort of smoking policy, so they developed a policy. The initial policy was that they would displace the nonsmokers out of the work area and put them into a number of nonsmoking rooms outside of their work areas. You have to keep in mind that this policy was drawn up by both management and the union which represents us.

Mr. Chairman: Excuse me a moment. Can you explain to us what you mean when you refer to a ramp area? You have referred to a work area. I am not sure what you are talking about.

Mr. Taylor: I guess the best description I can give you about Albert and myself and our function is that we are baggage handlers. We work what we call air-side, that is, against the aircraft. We occupy those small zone offices, those trailers.

Mr. Timpauer: We have offices about the size of half of this room where we get our assignments. We have a computer. I have been a foreman. I assign my men to do certain work at the airport. We spend about four to five hours of the day inside those offices. There are six of them all around the airport and we could be assigned to work in any one of those six areas. We were trying to get those trailers or zone offices, as we call them, classified as nonsmoking areas. We could get up to 35 to 40 people in there at any one time.

The problem was that we wanted those areas to be nonsmoking areas since we have to be there whether it is inclement weather or just to do our work. Instead, they turned around and gave us a room away from the work area as a nonsmoking area and they left the smokers in the work place. In other words, instead of having a break to have a cigarette, you have to have a break to have fresh air. If you want to get out of the smoke, you have to go to this room. The problem was that we could not do any work while we went to take a breath of fresh air, while the smokers were still left behind.

Mr. Taylor: That policy was in effect for approximately six months.

Mr. Chairman: That helps to understand what you are referring to.

Mr. Taylor: Because there was still smoking in our active work area, that is, in the zone offices, Albert came in to work one day and refused to work, under chapter 4 of the Canada Labour Code. I assume you are familiar with chapter 4 of the labour code?

It is the danger-to-your-health section of the labour code. Labour Canada investigated this complaint, as it had to do. We asked it to test for several carcinogens and it refused because it said it was too expensive, that the equipment had to come from the United States and that it was very reluctant to get involved in that sort of procedure. It said it was all right to go back to work, and Albert went back to work.

We immediately appealed the decision of the labour officer to the Canada Labour Relations Board. At that point, we hired an attorney to represent us. Albert and myself went to a hearing under our own funding. We should add that we solicited for funds from other people within Air Canada. We made up our own flyers and we came up with some funding to help us with this.

10:20

Mr. Timpauer: Excuse me. We should add that our union wanted no part of supporting us at any time. That is why we went the route of doing it on our own with our own funding. The union's executive wanted no part in the nonsmoking policy at Air Canada. They felt they would lose votes in the next election and so on. There were a lot of politics involved in it. They might find it will backfire in the future.

Mr. Taylor: We went to the Canada Labour Relations Board hearing. You should keep in mind that we prepared for two months with expert witnesses with our attorney. We went to all sorts of meetings. We tried to present as

professional a case as we could put together. When we got into the hearing, Mr. Eberlee refused to hear any of our witnesses, and that was the end of that. We presented Albert's personal physician, and that was the extent of our case really, other than a verbal presentation that our attorney spent a great deal of time putting together. That was all he was permitted to present at the hearing.

We appealed the decision of Mr. Eberlee, who said he could do nothing for us in this matter, to the Federal Court of Appeal, again through our own funding, and with our attorney we won the right at the Federal Court of Appeal to be heard again. We went back to the CLRB and, at that point, the CLRB said it would allow two witnesses to be heard, and that was it. At that point, we decided they had more money than we did. We decided to give in to that sort of approach and we took another approach.

At that point, Air Canada reversed its no-smoking policy on the ramp. It now made the active work areas nonsmoking and it had the displaced people, the smokers, go into special smoking rooms. That is where we are today. That is the extent of what we have after three years.

We have a problem with this policy in that it is not being properly enforced. Air Canada tells us it will do as much as it can to enforce it, and we are giving it all the leeway and time it requires to do this. We have been waiting for three years. If we have to wait a few more months, it is not really going to have any great bearing on us. However, it has not been enforced up to now and it has been in effect for about one year now. We have had negotiations in the last month with our immediate managers, and they have assured us they will get it done.

Anyway, that is where we are today. I will leave it to you.

Mr. Timpauer: If I may add something here, part of the labour relations board's answer to why it did not want to hear any of our witnesses was that it did not want to play a part in social change in Canada. It believes it is the bailiwick of government and of the Parliament of Canada to legislate smoking or nonsmoking policies.

We have these reports and we can make photocopies if you wish. That is where we stand. We have explored every possible avenue to get a nonsmoking area, but we have not been very successful.

Mr. Sterling: Thank you for coming forward as two individuals who have had a difficult time enforcing any right you might have thought you were entitled to in regard to being exposed to second-hand smoke. As you can imagine, as the proponent of this bill, I have had many calls from people who are telling me the same thing as you are but who have not taken it to the same length as you have. They find themselves in a virtually powerless position when some of them are exposed to very high levels of concentration of second-hand smoke.

Of course, my bill would not address your situation. I do not believe that it would cover a federal work place. However, if this Legislature sees fit to pass it into law, I am certain the federal government will be pressured in some way to follow suit. You should know that, in addition to Bill 71, I introduced Bill 124 on July 9, 1986, which is a much stiffer bill dealing with the problem of smoking in the work place. That bill is An Act to amend the Occupational Health and Safety Act and it sets forth a procedure whereby an employee can grieve if he feels his air is being fouled by cigarette smoke.

One point you brought forward that I discovered in the literature I have read about this whole problem is the testing equipment. Some government institution at the federal level, the provincial level or wherever should become involved in the development of this equipment so that it is more readily available and levels of concentration of smoke can be determined. It does not matter what kind of legislation comes down the road, that is going to be a necessary piece of equipment. I understand that equipment is available now only in the United States. It is very expensive. The test takes quite some time to undertake. That is another element of the whole attack on the problem of smoking that has to be addressed by government. I do not know how we can help you other than to pass this legislation.

Mr. Taylor: If it were to be passed, I believe it would help us a great deal actually because Air Canada is a progressive company and a good company to work for. If the provincial government were to pass this law, I think Air Canada would see it as representing its employees as well. If it is good enough for a provincial employee, it must be good enough for a federally regulated employee; so we see it as being a bonus for us as well.

Mr. Sterling: Interestingly enough, I had a letter last week from a constituent of mine who works at Brockville Psychiatric Hospital. Evidently, our provincial government does not have a policy dealing with smoking in our own health care institutions.

Mr. Taylor: That does not surprise me after what we have gone through. It is phenomenal what is not available in terms of policy.

Ms. Bryden: I would like to congratulate Mr. Taylor and Mr. Timpauer for coming before us to tell us their experience and how there seems to be very little acceptance by management and the union in their case of the need for action or some special arrangements in this field. I hope this committee hearing will make many more people aware of this. What we heard yesterday was that the danger of what is called sidestream smoke is so great that we are risking a great many people's health and that allowing it to continue in work places and public places is a very real hazard.

I am not too familiar with the Canada Labour Code. Does the federal labour code allow workers to refuse work on the ground that the smoking hazard in the work place is too great at any given time?

Mr. Taylor: It depends on your interpretation of a danger to your health. We believe it was a danger to our health, and so yes, we do believe it does exist under the labour code.

Mr. Timpauer: It does exist under the Hazardous Products Act, which specifies the parts per million of every carcinogen.

10:30

Mr. Taylor: I will tell you briefly how we came about that. This is the Occupational Health and Safety Act. The airborne contaminants guide under the Canada Labour Code gives you all the threshold limit values of all the chemicals. Several of the chemicals listed in here are also found in cigarette smoke. We got the analysis of the cigarette smoke from the US Health and Welfare branch. The chemicals they found in cigarettes are also found in this booklet. This booklet says basically if the threshold limit value is above zero, which means if it is present at all and it is a suspected carcinogen at

that level, then it becomes a health hazard. It is unacceptable. I would refuse to work under those conditions.

Mr. Timpauer: My point of view was, if that carcinogen was present in a mine or any other place, the Department of Labour would not hesitate to shut down that place because a carcinogen is present. We are trying to prove that every time somebody lights up a cigarette, that carcinogen is present as well. If there is a dangerous poison in one place, obviously the same poison is just as dangerous in another place, but they did not buy that.

Mr. Taylor: Their argument was that because it did not come from the production end of a company, it probably did not apply. However, whether it comes from this source or that source, it really makes very little difference. It is present in the work environment. This was our argument.

Ms. Bryden: When you withdrew your services, your action was not upheld?

Mr. Taylor: No, it was not by the Department of Labour. I must say that at present the Department of Labour has done a 180-degree turn here. They are now behind us 100 per cent on this particular problem. They are willing to--

Mr. Timpauer: Issue a directive to Air Canada.

Mr. Taylor: Yes.

Mr. Timpauer: They told us a couple of months ago that if we refuse to work again, they will issue a directive to Air Canada to ban smoking. We are trying to give Air Canada as much leeway as possible to do it voluntarily, not to shove it down their throats. They are running out of time. Our patience is running a little thin, to be honest with you, but we are trying to get them to do it on their own. So far, we have not reached the point where we will stop working. Each time it will be a little harder for them to get out of it.

Mr. Taylor: The directive from the Department of Labour is probably going to involve money and the stigma of a labour violation, that sort of thing. That is something we really do not wish to get involved with. However, if we have no choice, then that is the avenue that we will go, but we are hoping it will not come to that.

Mr. Timpauer: The other point is that a directive from the Department of Labour will affect Air Canada across this country. A directive will affect employees working in Vancouver as much as those working in Halifax. We did not want them yet to impose a no-smoking policy on other people in different cities. We want them to do it willingly. We are trying.

Mr. Sterling: Can I just clarify what you are trying to do? Just a supplementary and I will give it back to you.

Mr. Taylor: Yes.

Mr. Sterling: Therefore, your contention was it was under the Canada Labour Code, but it was found by the board that it was not. That is where it stands right now?

Mr. Taylor: They never really came out and said it did not apply under the labour code. It is hard to say. They never really addressed that end of the problem. They never said whether our argument was proper and well founded or whether it was not. At the end, the decision was that he did not want to have anything to do with it because it was going to involve social change within Canada and he was not about to get involved with that. He never addressed that. It was just sort of left there.

Ms. Bryden: Just one final question. If you leave work and it is not upheld, I presume you lose pay for the time you left.

Mr. Timpauer: No.

Mr. Taylor: That was negotiated out and they agreed to pay Albert for that time. However, we are here today losing a day's wages.

Mr. Timpauer: We asked to come here today and they gave us a day off but without pay.

Ms. Bryden: Thank you very much for coming.

Mr. Taylor: You are welcome.

Ms. Hart: I am interested in your group, if I can call it that, the baggage handlers group or whatever. Can you give me a rough idea of the percentage of smokers to nonsmokers?

Mr. Timpauer: Nonsmokers are 70 per cent.

Mr. Taylor: Roughly two thirds.

Ms. Hart: Perhaps you can help me then. What are the problems of enforcement, if there is such an overwhelming majority of nonsmokers?

Mr. Timpauer: When we have a manager who walks in and smokes a cigar in a nonsmoking area and we say, "Smoking is strictly prohibited," it is very hard to force his subordinates, managers, supervisors and everybody else to comply with a policy he is breaking himself.

Mr. Taylor: However, you should keep in mind that he has given up smoking pretty well totally now.

Mr. Timpauer: In the last three weeks.

Mr. Taylor: Yes.

Mr. Wiseman: In the last three weeks?

Mr. Taylor: So he tells us.

Ms. Hart: Is the enforcement problem then more at the management level, because it is harder to tell a manager not to smoke?

Mr. Taylor: Yes.

Mr. Timpauer: That is right.

Mr. Taylor: To be very specific, we have a supervisor in each of these small offices, but the supervisors are reluctant to enforce the policy. It does not attribute much to the bottom line of the corporation and they do not see it as being all that important. However, with the pressure being placed on them now, it is becoming a little bit more difficult for them not to enforce it. That is what is happening.

Ms. Hart: I think a country-wide directive might put a little pressure on them.

Mr. Taylor: Yes, it would. However, we do not wish to get involved with that.

Ms. Hart: No, I understand.

Mr. Timpauer: We might. It might come.

Mr. Taylor: It may come to that.

Ms. Hart: Is there anything in the union contract that makes it difficult for management to say to a union man, "You have to go here to smoke or there to smoke"?

Mr. Taylor: Three years ago, that may have been the case. However, about four months ago, the president of the union issued a letter to our department manager saying he would help the manager in any way possible to bring about this nonsmoking policy, whatever that means.

Ms. Hart: One other thing I am curious about is you mentioned you had expert witnesses available for the labour board arbitration.

Mr. Taylor: Yes.

Ms. Hart: What sorts of experts?

Mr. Timpauer: We had Mr. Repace from the Environmental Protection Agency in Washington, DC. I do not know if you are familiar with the Peter Wilson case. He was a Department of Health and Welfare employee who refused to work. Mr. Repace from Washington is a specialist on airborne contaminants, and we had expert witnesses from the Department of Health and Welfare in Ottawa. We also had allergists and my family doctor. I cannot recall them all right now.

Ms. Hart: The reason I am asking is that it would help me to understand the rationale of why the board refused to hear from your experts.

Mr. Timpauer: I can give you a copy of the board's reasons.

Ms. Hart: I would appreciate that.

Mr. Timpauer: At the very end, he says very clearly that he personally is not prepared to make a social change in Canada. Originally, they had allocated two days to listen to our arguments, but the whole hearing was over in three hours.

Mr. Taylor: There were no minutes taken at that hearing.

Ms. Hart: Is he not required under the labour code to hear your evidence?

Mr. Timpauer: Yes. That was a denial of natural justice, but we addressed that in the Federal Court of Appeal.

Mr. Taylor: We won at the Federal Court of Appeal, but even when we went back to the labour relations board, they said we could only present two witnesses. Now we would end up having to go back to the Federal Court of Appeal.

Ms. Hart: You are talking about an economic problem.

Mr. Taylor: Yes. If we had unlimited funds, we would continue until the cows come home. That does not bother us, but the money becomes a problem.

Mr. Dean: I am amazed and concerned about what appears to be a complete lack of detection instruments, as portrayed by these people. It brings me back to my experience with the provincial Ministry of the Environment and the chemical burn that occurred in my riding last spring, where there seemed to be a similar lack in our provincial ministry of either adequate instruments or a sufficient number of them to do the job.

10:40

That has been corrected to some extent, and I wonder whether there is any relationship between what needs to be measured in trying to identify and control contaminants in the work place that you are concerned with and the ordinary kinds of things that the Ministry of Labour, Ministry of the Environment and the Ministry of Health are concerned with in Ontario.

I do not know enough about these instruments to know whether the ones they use for chemical contaminants in general can also be adapted or are already sufficiently sophisticated to do what you want to have done.

Mr. Taylor: I do not know very much about them. The piece of equipment they are supposed to be using, I believe, is called a spectrograph. It has been a long time since I was at university and went through any of this, but as I understand it, it uses light to analyse the parts per million and it identifies the chemical that is being analysed.

Mr. Dean: They probably have to get a spectrum from the chemical itself.

Mr. Taylor: I believe so.

Mr. Dean: It is not something you can set up at location A, sniff the air and get the answer. It has to be in a lab.

Mr. Taylor: I am not sure of that. It was my understanding that they could do that.

Mr. Dean: They could?

Mr. Taylor: Yes, that there was some equipment available in the United States whereby they could do it. But believe me, I do not know enough about it.

Mr. Dean: It is implied that we do not have it in Canada?

Mr. Timpauer: We do not have it in Canada.

Mr. Taylor: As far as I know, we do not have it in Canada.

Mr. Sterling: I was aware that it was not available in Canada to take an accurate reading, and also that the test took quite a lengthy period of time--

Mr. Timpauer: Yes, it did.

Mr. Sterling: --and it became expensive.

Mr. Taylor: We were told it was in the neighbourhood of \$80,000 to run a simple test. That is what they were talking about.

Mr. Dean: One test?

Mr. Taylor: Yes. This is what Labour Canada is telling us.

Mr. Sterling: I do not think the figure is quite as high as I said it was.

Mr. Dean: Whatever the figure is, I find it astounding and almost unbelievable that there is not in this whole country, in the federal government or the provincial government, where you might borrow it if you return it in good condition, the kind of equipment that would tell whether there is an undesirable number of contaminants in the air where people work or meet or anywhere else. Who are we kidding? Are we really concerned about pollution or not?

Mr. Taylor: It was our impression that they really did not want to know. That is really what it came down to. We had to go in other avenues.

Mr. Sterling: I do not think that we can come to conclusions without really somebody from the Ministry of the Environment having the opportunity to respond.

Mr. Timpauer: Actually, it is all academic whether you test the air particle contaminants in a work place or not. If we can determine what carcinogens are in cigarette smoke and break it all down, the guideline says that for 64 of those carcinogens the threshold value is zero. Obviously, the moment somebody lights up a cigarette, that carcinogen is present. We can determine that by whatever is in the cigarette smoke. Therefore, somebody is breaking the law.

Mr. Dean: As long as there is any there, then--

Mr. Timpauer: That is right. As long as somebody lights up a cigarette or tobacco, the carcinogen is present. We can determine that through laboratory analysis. If the threshold value is zero, you can have one particle in a trillion and it still is not zero.

Mr. Dean: If that can be legally enforced, then you do not need the instrument, I guess, except to determine the content of the cigarette smoke in the first place.

Mr. Sterling: In fairness, you have to be reasonable in any kind of law you create in this area. If the law extends into the private sector, as Bill 71 does, you have to be reasonable in how you approach that. If you go in with an iron hand and say, "Absolutely zero is what we require in the environment," which is almost impossible to get, notwithstanding that there might have been somebody there 24 hours before, then I do not think it is reasonable to ask society or private industry to adopt that.

Mr. Taylor: We understand that. We were just trying to make our case under the guidelines that they had presented us with. It was unreasonable.

Mr. Sterling: I believe there has been a lack of involvement by our government when the Progressive Conservatives formed it or by the federal government. Over the past 20 years, they have been lacking in terms of putting research into the area of testing air quality for foreign substances.

Mr. McGuigan: I suggest we canvass the ministries of Environment and Health to see what equipment they have. I share Mr. Dean's concern. They have a truck, which I think they call the snifter, and they can be out on the street and determine what is in the air there. I think Dr. Lauzon pointed out yesterday that the air on the street is just a fraction of the particulate matter that there is in cigarette smoke. If they can analyse the air on the street, surely they can analyse it elsewhere. We should at least find that out. We should canvass the ministries.

Mr. Sterling: I understand cigarette smoke is much more complex than the air you will find on the street in terms of the number of toxic substances, and that is where it starts to become more difficult.

Mr. Taylor: I think Mr. McGuigan was talking about particulate matter. In smoke we are talking about gases as well.

Mr. Sterling: Yesterday Dr. Pipe brought in a chart with 20 to 25 different toxicants.

Mr. McGuigan: Compare that to the air in heavy traffic.

Mr. Sterling: Yes, you could read it for carbon monoxide, for instance, but I am not sure you get the rest of them in traffic.

Mr. Pollock: I am surprised they do not have anything to test the air. I have mines in my area, and the mining companies are continually complaining that every time they look up there is a government inspector there to inspect their premises for dust or whatever, high levels of this or that, asbestos and that sort of thing. Yet all of a sudden we do not seem to have anything to test the air in rooms where people work and live. That is rather strange.

Mr. Taylor: Yes, it is.

Mr. Chairman: It is not your normal type of smoke detector you are talking about. I am not sure which machine Mr. Dean is referring to that they used in Stoney Creek, but I know the Ministry of the Environment has spent millions on those machines to test certain things and really does not have one yet that anybody trusts. If it was one for smoking, I am sure everybody would trust it; at least 72 per cent would.

Thank you very much, gentlemen, for your participation this morning. I do not know whether you can still get a half-day's pay by returning, but good luck.

Mr. Taylor: Thank you very much.

Mr. Chairman: The next presentation is by the Canadian Cancer Society, Ontario division. Isabel Rubin is the president.

10:50

CANADIAN CANCER SOCIETY, ONTARIO DIVISION

Mr. McClory: Isabel is not here. She was in Budapest at the International Cancer Congress and, unfortunately, she was not able to return in time for this meeting. My name is Ron McClory. I am the executive director of the Canadian Cancer Society.

Mr. Devenney: My name is Richard Devenney. I am a volunteer with the Ontario division of the cancer society. I am on the subcommittee on smoking and health legislation. I point out that Ron is a newly appointed executive director and we hope that today heralds some new activity for the society.

To our knowledge, this is one of the first appearances in a public forum to speak on proposed legislation. I am a practising lawyer. I am not sure whether the committee members have had an opportunity to look at our written brief that was submitted at the end of July. We have brought with us today, in amplification of it, a bibliography of materials that I hope you will find helpful. We have a library at the society that contains most, if not all, of these materials and I am sure that if the committee needs access to them by way of a legislative librarian or otherwise, it can be arranged. We thank you very much for inviting us to appear and we will make a few comments in amplification of the written brief we have submitted and then invite your questions.

I have with us, as well, the chairman of our subcommittee on smoking and health legislation, Shirley Busch, and a staff member who has assisted in preparation of the bibliography, Nancy Rodrigues.

At the society, we have been concerned for many years about smoking and its adverse health consequences. The first pamphlet prepared by the Ontario division was apparently some time in the early 1960s, more than 20 years ago. This is the current pamphlet, Smoking: We All Pay. We can make copies of this available as well. We think this is a problem that urgently needs to be addressed and we are happy to see something such as Bill 71 come into existence. This is a problem that is largely preventable and I am sure you have had many people discuss these aspects of the problem. Much of the material referenced in the bibliography will also point to that.

As you know, smokers harm not only themselves but also others. It seems to us to be a reasonable and realistic expectation for the citizens of Ontario who are not smokers to believe their government will enact laws to protect their rights to clean air, to freedom from disease-causing environmental agents present in tobacco smoke, to smoke-free enjoyment of public places and work places and to an enforcement mechanism providing real protection for these other rights. Happily, Bill 71 begins to address some of these items.

Aspects of the required legislation that we consider important are

highlighted in three headings: universality, uniformity and comprehensiveness. We believe that once you have a rationale for restricting or preventing smoking in closed public places, regardless of the size or any other qualification, once a place qualifies as an enclosed public place no smoking should be permitted. It might be possible given smaller enclosed places to rely on prosecutorial discretion. We recognize there will be an administrative problem in dealing with the problem of every enclosed public place, but we do not see why, as a matter of logic, any place ought to be exempted.

The next aspect of the legislation that ought to be addressed is uniformity. We would hope that the same set of standards would apply across the province. With respect to the draft bill, we have a concern that various municipalities might end up with different standards. It seems to us it is not quite logically consistent that nonsmokers living in more enlightened places ought to have greater rights to protection from the problem than others in the province. We envisage, particularly in certain geographical areas of the province, the development of what might be termed smoking ghettos, where the standards are somewhat less than in another areas. This does not seem quite sensible to us.

We are very pleased to see that the bill addresses work places. We believe this is an important part of the legislation and, we hope, of an integrated package of legislation along the lines of your Occupational Health and Safety Act. Once the problem is identified, whether it be an enclosed public place or an enclosed work place, the same rationale for restricting the activity would seem to be there.

We feel the Legislature and its members have a particular responsibility with respect to problems such as this. I think it is a nonpartisan responsibility and I am happy to see the article in the newspaper this morning indicating that it is being treated in a nonpartisan manner. We hope that the legislation in its final form will have unanimous approval by the House.

We think that the problem of dealing with smoking is a very complex one and that Bill 71 is a start, but it should be part of an integrated package of legislation. Additional funds need to be found--and we would suggest through the taxation of tobacco and its related products--toward positive actions that will assist society in dealing with the problem, first, to assist in educational programs to address the problem, recognizing there are members of our society who have relied on the substance, tobacco, for their living. Immediate encouragement should be given and research for alternative crops should be undertaken, so those people suffer little--we hope not at all--in the removal of tobacco from our society.

Last, we hope that a counter-advertising program might be sponsored to change the mentality of the citizens. We also see other positive actions that could be encouraged, perhaps various types of tax incentives to corporations or private organizations that adopt policies that would tend to discourage smoking or limit its deleterious effects on others.

Briefly, we were very encouraged by Bill 71 and we certainly do not want to be considered to be against it in any way. We would like it, in its final form, to be fully enforceable and fully meaningful legislation. I realize some of these things may be defined or amplified in regulations that would be passed pursuant to the act, but many concepts in the bill appear to be somewhat ambiguous. Accordingly, a court will have a problem in dealing with the legislation in that case.

I might specifically highlight for the committee that the national society's solicitor, George Glover, of the firm of Fasken and Calvin, has recently done a paper on smoking control and a legal framework. I think the paper was prepared at the end of June. It is not yet published anywhere. I spoke to Mr. Glover this morning. I got a copy of it last night. It is a very helpful compilation of the legislative context related to controlling smoking, and if need be, I can undertake to get a copy and forward it to the committee.

11:00

He points out that ambiguous pieces of legislation, whether they be municipal bylaws or otherwise, are not enforced by the courts. Particular problems in Bill 71 are as to who might be at any time a proprietor or person in charge of an enclosed public place or what is a "reasonably substantial area." There is another problem that I think you alluded to with your last witnesses, as to "when existing physical barriers and ventilation systems are adequate," the measurement problem and as to what might constitute "reasonable efforts to prevent persons from smoking."

One could rely on courts to interpret the words, but if guidelines or examples could be given in the legislation or in the regulations, that might very well be helpful to everyone.

One aspect of the legislation we were concerned about was enforcement. I think this is a problem most everyone will recognize. The number of enclosed public places in Ontario would probably number in the millions. It would be a great administrative problem to make sure there was someone to supervise or see that the act was enforced.

We encourage the committee to be innovative as to how the policing or enforcement mechanism might be effected. We have suggested the possibility of giving nonsmokers civil causes of action against smokers or those who otherwise do not comply with the act. I am not sure that is a final solution to the problem. We wanted to highlight it. We are certainly prepared to make further suggestions if we can.

This is a summary of what we say. We invite questions. We will try to answer them.

Mr. Sterling: I thought I would respond, as a proponent of the bill, to the three concerns in terms of universality.

Mr. Chairman: And as a lawyer.

Mr. Sterling: I am not a practising lawyer.

I know some of the concerns you have outlined, and they struck me when I was instructing legislative counsel to draft the bill, but I also ask you to consider that if we wait for proper testing equipment to be developed, to be perfect in all definitions, and we make all those definitions, we may be sitting here 10 years from today dealing with this problem and therefore not creating any rights for people who do not want to be bothered by secondhand smoke.

If there is any resistance to this legislation becoming law, I suspect it will be on the grounds you have outlined this morning and the government would take a position that it was unclear in certain areas and that there were legal problems associated with it and, therefore, we cannot deal with it right

now. I am not going to predict what will happen when this returns to the Legislature, but it is up to the government House leader to call it for third reading. Unless there is significant public pressure from groups such as yours, it will not happen. They can let it die at the end of the session and Bill 71 would no longer exist. I think there is significant public support for this kind of legislation.

Mr. Devenney: I agree with that.

Mr. Sterling: As a former parliamentary assistant to the Attorney General and having had some involvement with other legislation difficulties, I realize you cannot put everything in perfect terms when the social need is there.

In regard to the question of uniformity, I was trying to create a base from which municipalities could spring additional restrictions on smoking if they so desired. Yesterday, we heard that only 16 of more than 800 municipalities in the province have antismoking bylaws. My idea was to create a base from which they could start.

My concern, for instance, was where a municipal city hall, or whatever, wanted to ban smoking entirely. I did not want to intervene in that kind of decision, nor did I want to in any municipal complex. I wanted to make clear what is not clear at this time in the Municipal Act, that municipalities do have the power to put this kind of legislation forward. It was my desire to try to cover as many situations as possible, put a reasonable or small-c conservative base on it and allow them to go up from there. I am quite willing to back away from that.

In regard to the universality concern, while I appreciate your concern for nonsmokers in all areas--I am that way myself--I was thinking of the small rural areas I represent where there may be a restaurant with one or two tables. I hope the legislation, to make it enforceable, would be reasonable as well. In my view, if you restricted that kind of establishment, you would be inviting it to break the law. It becomes not only a restaurant but also a home. It is almost a public private place.

When it comes to the laws relating to the work place, because of the problem associated with testing that I envisaged and the resources I had as a private member, I wanted to leave the definition loose as to where that standard lay and to leave it to the government to make that decision, using people who were more expert on levels. How do they do it? Do they say, "You can have 20 cigarettes a day smoked in 1,000 square feet," or whatever that kind of rule would entail? I also wanted some negotiation to go on in terms of the kinds of work places, so you could go to the manufacturing industry and ask what is reasonable to put in place that can work and be enforced.

I am not as concerned about enforceability as you are. The legislation does two things. First, it creates a right for an individual. If that individual wants to press that right, at least he has an act to go back to, a piece of provincial legislation he can bring to the attention of authorities and have the Ministry of Labour, the Ministry of Health or whoever come in on his behalf. That would be one thing.

11:10

However, it is also a social statement by the Ontario government. Although it is a private member's bill, it will in effect become a government

initiative that to be a nonsmoker is socially acceptable and you have a place in Ontario society. Therefore, the enforcement part of it is not as important in the long run.

I can remember a constitutional law professor saying to me that there is no sense in making a law that people do not want to follow; good lawmakers make a law that people want to follow. Yesterday we heard that even 60 per cent of the smokers want some kind of legislation that will define where they are crossing the boundary and where they are not crossing the boundary. Then I think smokers will feel more comfortable than they do now even regarding their rights in society to smoke. The enforceability part may not be quite as important.

I invite you to help me and this committee to amend the definitions of the bill before we return it to the Legislature, because when it gets back into the Legislature, I do not want to hear the flaws you have outlined in this bill put forward at that time. I am going to need the assistance of people who are more learned in the law than I in addressing those definition issues and taking them as far as is possible to make it an enforceable piece of legislation.

I agree that in any creative package this is very necessary. I have pressed the Treasurer (Mr. Nixon) in the House, and I said publicly on radio and television, that we should have higher tobacco taxes. I do not know of any politician I have ever heard who has asked for higher taxes on anything. I have said that because we need to develop some revenue. By raising the tax on a package of cigarettes by one cent, we can raise \$7.5 million; and we can address a lot of problems with the tobacco farmers with \$7.5 million.

But we have to address that; we cannot let it slide on and on without addressing it as part of the package. We talked about testing more sophisticated equipment and doing more research in that area. We need to deal with people who are addicted to tobacco and who want to get off it. There is a host of problems there, but please do not give anyone the excuse that we need an innovative package before we take the first step.

Mr. McClory: I do not think our concern should be viewed in any way as opposition to the bill. Our organization and our constituents wholeheartedly support the bill. We were making some observations about what we believed might make the bill stronger, but we would not want the bill to be held up because of some concerns that might be raised. We strongly support the bill, we strongly support the principles in it and we would be delighted to work with you on the wording and so on that might help it.

Mr. Chairman: I want to limit a bit the time that you and the lawyers spend arguing about terms. Mr. Sterling took too long, but I will give you a short time to respond. We are trying to keep close to the schedule.

Mr. Devenney: The response has already been made. Our comments are made entirely in a constructive view. We were trying to make submissions that would make the bill as strong and as effective as practicably possible. We would be delighted to work with you. We think this is a wonderful development on the legislative scene.

Ms. Hart: Mr. Chairman, I want to show you that some lawyers can use words with economy.

My question also has to do with enforcement. You spoke of creative

enforcement, and you mentioned a civil remedy. I did not catch whether it was a civil remedy against an employer or against smokers by the nonsmokers?

Mr. Devenney: I see a great number of practical problems with that suggestion, but it could be against either. It would be, so to speak, a handle to which a nonsmoker could turn in the legislation and be able to point out to a court that the Legislature of the province recognized that a civil wrong was done in certain circumstances. Who may have done that civil wrong would be elaborated on in the legislation.

Ms. Hart: Have you considered that you might have some problems with the Workers' Compensation Act if you were suing an employer in this area of health and injury to health?

Mr. Devenney: No. We did not address all the implications of the suggestion.

Ms. Hart: I am interested in your ideas about innovative enforcement methods. It seems to me that giving it to the Ontario Provincial Police to enforce is not necessarily going to be the best thing.

Mr. Devenney: I am not sure this is the forum to do a brainstorming session, but we thought we would encourage the committee, when considering the bill with its legislative draftsmen, to look at all possible enforcement mechanisms, particularly in addressing the problem of this pervasive conduct within society.

Ms. Hart: As Mr. Sterling said, we are looking for help. Perhaps it cannot be done today, but if you have your own brainstorming session and you come up with some innovative ideas, particularly as to who should enforce it, the OPP, the Ministry of Health or whoever you think is best, I would appreciate that help.

Mr. Devenney: We will be happy to do that as well.

Mr. McClory: Our sense of it is that there is a mood--I think you were alluding to this--at the moment in the corporate sector and amongst employees to have some capacity to govern smoking in the work place. In our case, last year we had something like 450 requests from corporations asking for support in developing a work place nonsmoking program. That was at the request in many cases of not only the employer but also the employees.

In a simplistic sense--I am not a lawyer--my feeling is that a lot of the enforcement will be self-enforcement in terms of employees and corporations. With the willingness and will to do it, the enforcement will follow. I appreciate the legalities of it, but my sense is that there is a will to do this among corporations and amongst employees within corporations.

Ms. Hart: In following that up, I do not think we have a copy of Mr. Glover's submission yet, but before you leave, can you have the clerk make one for us?

Mr. Devenney: Yes, we will.

Mr. McGuigan: My colleague caused most of my questions to be answered. There is one further extension along that line. In the common law we have the right to enjoy our property. It is not as well defined, but under the riparian laws, you have the right to clean water. Is there any common law or

cases where actions have been brought that would indicate people currently have any right to clean air?

Mr. Devenney: Mr. Glover points out in his paper, in an earlier draft that I have, that there are four possible grounds on which nonsmokers could get relief. The first is private nuisance, the second is public nuisance, the third is implied contract and the fourth is the possibility that a court might recognize some sort of tortious or civil wrong. All of these have real problems. The likelihood of recovery would be minimal. The time delays and the cost of actual litigation are not things to which an ordinary citizen wants to turn. But I think there are possible common law rights that nonsmokers might have.

Mr. McGuigan: Thank you.

11:20

Mr. Pollock: I am finding these hearings on Bill 71 very interesting. Delegation after delegation has come before this committee citing the problems of deaths that occur from smoking and the harm that smoking does to individuals and to the public. Then, out there in what I call the real world, we have the medical officers of health going around telling us that you cannot sell food if it is not prepared in government-inspected kitchens; church groups cannot have church suppers if their kitchens are not brought up to standards, if their kitchens are not inspected.

On the other side of the coin, all of us in this room know--and we have been in these places--there are bingo halls, cocktail lounges, public meetings where those rooms have been just filled with smoke. Yet the medical officer of health does not seem to do anything about that. Maybe he has no jurisdiction to do anything about that. I do not know. Do you care to comment on that?

Mr. McClory: I have some sympathy with your point of view. I am concerned when I hear day after day, week after week, month after month, that some new substance has been identified as a carcinogen. One begins to wonder how we are supposed to deal with that. The other difficulty I have is that in two or three years that may change. There may be new evidence that might indicate that what we thought was a carcinogen two years ago is no longer considered a carcinogen today.

I think smoking has met the test of time. It has been 25 years since the Surgeon General of the United States first proclaimed that smoking was a serious health hazard. Over the past 25 years that evidence has continued to build, and in the past five years there has been a new emphasis about the effects of secondhand smoke. Over that time the evidence about secondhand smoke has built as well.

I have some sympathy, and I understand what you are saying, but the issue of smoking has met the test of time in terms of its health effects. There is no doubt in our minds, as an organization and in terms of the medical profession, that smoking is the most significant preventable health hazard.

Mr. Allen: I do not have a question. I want to pick up on the first remarks of Mr. Devenney that the appearance of the Canadian Cancer Society here today was something of a departure, a beginning of a new era of some sort for it; its representatives have not been habitués of legislative halls and committees and presenting briefs and so on. I want to say it is very encouraging that they have come forward on this issue and that they are contemplating a more active stance in that respect.

I hope my colleague Mr. Sterling's response to your criticisms is not a discouraging one. It is entirely appropriate that you should come here and criticize the bill and present what you consider appropriate improvements to problems in the legislation. That is what this committee is for, and we will want to look at your suggestions in that regard quite carefully.

Obviously, every presenter of a bill wishes to have it passed with as few impediments as possible, and that there be no quarter given to the opposition, if one can put it that way. I appreciate that too. But I would not want you to go away feeling that you had come here and done the wrong thing by pointing out what you feel to be legitimate problems and further developments that might make this bill more effective.

Thank you for coming, and from your experience as an organization in the field, we appreciate your coming very much.

Mr. McClory: Thank you.

Mr. Chairman: Thank you very much. As you have probably noticed in the press today, this committee has a couple of options come October 14. One would be to have further public hearings; the other would be to go directly into clause-by-clause review of it. I suggest you share some of your amendments with the critics for each party, Mr. Sterling in particular, so they might have some opportunity to review those prior to many hours of debate here as to whether they were acceptable in the first instance or not. Could you do that?

Mr. Devenney: Yes. I am sure we can find some time to do that.

Mr. Chairman: Thank you very much for your attendance.

Mr. Devenney: I might point out that I have a draft of Mr. Glover's article here. He has said I can release it to you, so I will present it.

Mr. Chairman: The next presentation we have is from Ms. Seto. Would you come forward, please.

INTERAGENCY COUNCIL ON SMOKING AND HEALTH, DURHAM REGION

Ms. Seto: Thank you very much. I notice that on your sheets it is not clear whom I represent. It is the Durham region Interagency Council on Smoking and Health. You might have in front of you a copy of the presentation.

Mr. Chairman: It is coming now.

Ms. Seto: I represent the Durham region Interagency Council on Smoking and Health. The presentation is about 15 to 20 minutes long. I will go through it quickly, hoping to keep you a bit on schedule, with some time later.

Medical overview: "Smoking represents an unrivalled tale of illness, disability and death." That is from the Canadian Medical Association.

"No longer is smoking simply a nuisance to nonsmokers. Today the evidence proves the effects of secondhand, or involuntary, smoking are severe enough to make smoking everyone's concern." That is by the Ontario Medical Association.

"In 1983, 470 nonsmoking Canadians died of smoke-induced lung cancer."

That is from a study dated October 1983. Sorry, I think that is another year; it cannot be October for the same year. It is from the Department of National Health and Welfare.

"28,700 deaths a year are attributed to smoking." That is from Chronic Disease, by the Department of National Health and Welfare, June 1982.

In contrast: "Deaths related to alcoholism and alcohol-related road accidents in 1980 totalled 17,974." That is also from the Department of National Health and Welfare. I believe that around 18,000 Canadians perished in the Second World War.

"Secondhand tobacco smoke contains 3,800 chemical compounds, more than 50 of which are potent carcinogens known to be hazardous to health. There are six known and six probable human carcinogens, including vinyl chloride, arsenic, benzo(a)pyrene, formaldehyde, hydrazine, nickel and cadmium." That is from the Department of National Health and Welfare.

"Long-term exposure to secondhand tobacco smoke in the work place should be minimized or avoided." That is by Dr. House in a Ministry of Labour report The Health Effects of Involuntary Exposure to Tobacco Smoke, June 1985.

"The smoke from one cigarette per day per 60 employees in the work place exposes nonsmokers to serious risk of lung cancer." That is by Drs. Collishaw and Wigle in the report Towards Standards of Acceptable Risk for Involuntary Exposure to Tobacco Smoke in the Work place, October 1985.

"Existing air quality standards for work places do not directly specify an acceptable level for tobacco smoke, nor may there be a 'safe' level for such exposure." That is by Drs. Collishaw, Kirkbridge and Wigle in Tobacco Smoke in the Work Place: An Occupational Hazard, November 1984.

"Nonsmokers exposed to work place tobacco smoke for a long period had scores almost identical to those of smokers using up to 10 cigarettes a day. Nonsmokers, smoking involuntarily, had lost 15 to 20 per cent of their lung capacity. This condition may lead to chronic bronchitis." That is conservative as far as what it can lead to. That report by Drs. White and Froeb was found in the New England Journal of Medicine, March 28, 1980, and that is a Californian study.

11:30

The 1982 report for the Ontario Council of Health entitled, Smoking and Health in Ontario: A Need for Balance, made 12 recommendations. The bill is based, I believe, on the first three recommendations.

Recommendation 1: It is recommended that the government of Ontario take legislative measures to ensure a uniform standard of protection from passive smoking in specified public places in all jurisdictions of the province. In addition, it is recommended that the government adopt immediately nonsmoking provisions in the public areas within its own buildings and facilities. It is also recommended that the government adopt policies to prohibit or otherwise effectively control smoke in transit systems which the government licenses or subsidizes.

Recommendation 2: The government of Ontario should amend the Public Hospitals Act to require hospital boards and directors to make provision for smoking and nonsmoking areas so as to ensure that nonsmoking patients are not

exposed to tobacco smoke unless they choose to be so exposed. Similar legislative changes should be made for nursing homes and other residential health care facilities. It is also recommended that nurseries and day care centres which fall within government regulations be required to prohibit or otherwise effectively control smoking on their premises.

Recommendation 3: The government of Ontario should develop and demonstrate effective strategies for limiting smoking in the work place, starting with the government work place, and subsequently promote the implementation of such programs in business, commercial and industrial establishments. It is recommended that the government specifically provide nonsmoking employees the right by law to apply for and receive, without prejudice, relief from exposure to secondhand smoke in their usual work place.

These recommendations are four years old. It is past due that the government of Ontario follow through with this study so the health of the people of Ontario is protected.

Although this concludes the medical overview, it is strongly recommended that each of you read these studies in order to receive their full impact. In addition, you are urged to view a 28-minute film put together by the Heart and Stroke Foundation entitled Smoking Against Your Will. This film deals specifically with the effects of secondhand smoke. A decision concerning this important health issue should not be made without considering all of the facts. Once you have seen this film and once you have seen by way of ultrasound an unborn child lose the will to breathe for up to one and a half hours due to thirdhand smoke, you will seriously question allowing secondhand smoke to exist in any public place or work place.

Legislation is not to be viewed as the deprivation of rights. In any democratic society we do not have unlimited rights, as our rights are always restricted when public health is concerned. No one has the right to injure another person's health. Legislation restricting public smoking will attempt to spare nonsmokers from the ill-effects of secondhand smoke. This is a public health issue, not a rights issue.

The common law, which is the unwritten code of acceptable behaviour, is ineffective when dealing with this health issue. In their attempts to avoid controversy, proprietors and employers are not usually willing to adopt smoking policies. Legislative steps have been taken around the world to control the problem of involuntary smoking. Governments are quickly realizing that involuntary smoking is a public health issue and that citizens are now prepared to support the regulation of smoking in their community and in their work place.

A recent survey conducted by Dr. Pederson at Western University, London, Ontario, indicated that out of 1,400 surveyed, more than 80 per cent were in favour of regulating public smoking. As almost one third of Canadians smoke, this means a good number of those who smoke are also in favour of regulations.

It is my understanding that more than 25,000 names have been received supporting Bill 71. Considering that this bill has not been widely publicized, I believe this is a significant response.

Legislation such as Bill 71 is unquestionably both a tool of social change and an educational tool. An educational component is essential for effective implementation of any legislation. The Durham region Interagency Council on Smoking and Health is dedicated to the promotion and co-ordination

of programs on smoking and health through education and public awareness. When coupled with Bill 71, our educational efforts will form the basis of social change in our community.

From a social change perspective, such legislation as Bill 71 is the first and most important step in public awareness. Where public smoking is restricted, the message is clear that secondhand smoke is a recognized health hazard and that the residents of Ontario do not want to be exposed to this avoidable source of illness. Our youth will also grow up knowing this, and we hope they will be discouraged from acquiring this highly addictive and destructive dependency.

Medical reports have provided overwhelming support for the regulation of smoking in the work place. Employees must have access to their work place in order to make a living. They do not always have a choice to remove themselves from a smoke-contaminated environment. Bill 71 will provide a basis upon which the provincial government may further restrict smoking in order to ensure a healthy and safe work environment.

Our society is becoming more aware of the three to five per cent of our population who are dependent upon wheelchairs for transportation. Wheelchair ramps and elevators are beginning to be commonplace, and rightfully so. Let us not forget the 25 per cent of the population who suffer from invisible disabilities, such as cancer, angina and respiratory diseases and disorders, who are denied access to the services provided by public offices, financial institutions, grocery stores, retail stores and most work places without further deterioration of their health. Our children and unborn children should also have access to these essential services without being exposed to this preventable health risk.

Therefore, where the application of this act is not practical due to size, the decision should then be made on the side of health. Further, the designated smoking areas should be separately vented in order to reduce or eliminate the contamination of nonsmoking areas. There are no halfway measures where health is concerned and when access to essential services is required.

According to an article in the journal entitled Stats-Facts, November 1985, the Canadian government receives approximately \$2.2 billion directly from tobacco sales per year. An article in the Canadian Pharmaceutical Journal, 1984, by Bradshaw and Rogers indicated that in 1982 total customer expenditures for tobacco products was \$4.24 billion, including the \$2.2 billion in taxes.

The costs to Canadians the same year, including physicians' costs, hospitalization and lost income due to mortality and disability as a result of smoking, was \$7.12 billion. This figure does not indicate costs related to fires caused by careless smoking and ill health to nonsmokers as a result of secondhand smoke. In 1982, there was a net loss of \$2.7 billion to Canadians.

A study conducted by the Laboratory Center for Disease Control revealed that absenteeism, medical care, on-the-job time lost and office maintenance costs could be reduced by at least \$33 per employee per year, if smoking in the federal offices were confined to separately vented areas. For the Canadian government, this totalled almost \$29 million per year. It is unreasonable to ask the Ontario taxpayers, given that \$33 saving per year, to carry this financial burden with respect to provincial public employees, not to mention, of course, the excess burden on our health care system.

For generations, our society has allowed this hazardous product to burden our population. We have no other choice but to accept responsibility for the health of nonsmokers and for those who are addicted to this product. Bill 71 is the first logical step towards accepting this responsibility by providing a healthy and safe environment for nonsmokers, as well as separately vented smoking areas wherever possible.

Mr. Sterling: Ms. Seto, I want to thank you for the tremendous presentation you have put forward today. It sums up in layman's language why we need this legislation better than just about anything we have heard. I know you have been helpful in gathering a few names on petitions for me. I have never had the opportunity to meet you before and I want to thank you for all your assistance in that regard. I know how strongly you feel about the issue. All your efforts have been on your own time and have been of a voluntary nature. It is terrific, no matter whether it is in this or any other cause, when a person in Ontario takes as much time and makes as much of an effort as you have done.

11:40

Ms. Bryden: I would like to congratulate Ms. Seto on the brief. You have given us a lot of comprehensive facts and figures. You also told us that you people have been fighting this battle in an organized way for more than four years and that we still have no legislation in this field. That does not denigrate the work you have done; it indicates that the public needs a lot more education.

I notice that in particular you point out the cost loss to industry and not just the health of the people. Smoking in the work place does cause a great deal of illness resulting in a great deal of lost productivity and reduced time, as well as a great deal of office maintenance cost. That is an important factor.

There is an area that nobody has raised today that came to my mind. I wonder whether your group has considered it. You cover hospitals and work places and so on, but nobody has talked about smoking in prisons or correctional institutions or jails where people are awaiting trial. There was an item in the paper the other day from the ministry concerned saying that it did not think prison was the place to reform smokers and that it would be extremely costly to provide nonsmoking spaces. This adds a double jeopardy to anybody who falls afoul of the law or is charged and is acquitted. They have to go into areas where I understand where there are absolutely no nonsmoking areas.

I recently visited a young offenders prison where there were 45 young people in a space that was designed for 25 and they had one big common room where they spent their daytime if they were not out taking courses or attending court hearings. There was no nonsmoking area for those people because there were not enough facilities. Particularly for those young people--they were 16 to 18--who are just at the age when they might start smoking, that is a bad atmosphere.

Ms. Seto: I am afraid to tell you that those people probably started smoking at the age of nine. There are studies to support that. At age 12 or 13 our young people are exposed to lifestyle advertising and they want to be old enough to smoke; that is their goal in life.

Ms. Bryden: There might have been a few nonsmokers in the group who would have no way of escape.

Ms. Seto: I agree with you 100 per cent. Social change happens out here as well as inside. The first step is to change things out here as well as there, although I am not negating that. You are right that it does have to be addressed. Does that answer your question? I was not sure whether that was a question.

Ms. Bryden: It was a question about how we extend actions to limit the amount of exposure and the amount of hazard to people who are unfortunate enough to be in jails or in detention centres awaiting trial.

Ms. Seto: Usually, if they are in jail, there is a good reason. The judges do not usually put them there without cause. You know what I mean. As I said, the social change aspect usually hits the prison population after the community initiates it. That is from what I have seen of the prison population. If you as a government want to go in and lay down rules from the Ministry of Correctional Services, that is up to you. I am sure there are some people in the jails who would appreciate that.

Mr. Chairman: Thank you very much for your presentation. It was well done.

Mr. McGuigan: Can they get cigarettes--

Ms. Seto: Yes. They are available at the canteen, as well as chocolate bars, chips and things like that.

Mr. Sterling: In the jail do they get a certain number of cigarettes each day?

Ms. Seto: You are asking me as if I am an expert on the prison population, and I am not. I work in the community.

Mr. Wiseman: I think they get it as a matter of right, almost.

Mr. Sterling: That is right. I think a certain amount of tobacco is handed out to them each day.

Ms. Seto: I know it is at a reduced cost. You will have to ask someone from the institution.

Interjections.

Ms. Seto: As in any work place, they have had their problems as well. They try to deal with them within the community setting.

Mr. Sterling: Thanks very much.

Mr. Chairman: The next presentation is from Gordon Krull, who is president of Qualitype Co. Welcome.

Mr. Krull: Thank you.

Mr. Chairman: Please proceed with your presentation.

QUALITYPE CO.

Mr. Krull: I apologize for not having a written presentation, because the information that has been presented this morning and in the past has been very well covered and well documented, especially the last one.

I want to give you the human aspect, because that is what this issue is all about. We are dealing with one of the hardest, worst addictions that is available to the general public and is still legal.

Most of you have heard that stopping smoking is harder than quitting heroin or alcoholism. I am speaking as an ex-smoker. I started when I was 14. By the time I was 30, I was up to two and a half packs a day and a package of cigarillos just to touch it off and have a little treat.

When my doctor finally said, "Your lungs are burning out," I could not climb a flight of stairs. I simply did not have the capacity to carry on with the advertising and production job I was in at the time. I quit cold turkey, and I will tell you it is pure hell to stop, if any of you have ever had the unfortunate experience.

When I started my own business, I allowed smoking to carry on because I respected people's right to smoke. When I picked one of my drivers up off the ground who had collapsed because of a collapsed lung a few months ago, I decided to ban smoking entirely in the shop. We had a partial ban in our production area about eight years ago.

When we put the full ban in, we advised our clients, we advised our employees and we put a sign on our front door that says: "Qualitype Co. has a nonsmoking policy in effect that applies to visitors as well as employees. You are kindly asked not to smoke while on the premises."

Even the hardnosed advertising guys who still come in look at the sign, butt out at the front door and walk in. They will spend an hour or two in a conference, in a meeting, without having a nicotine fit. They have respected me for doing it. We have not had any negative comments at all.

Half the employees were smokers and half were nonsmokers. The nonsmokers said: "Thank God. It is about time. We appreciate working in a nonsmoking atmosphere and we have been the silent minority for a while." Now it is the majority in the country, I understand, who are not smoking.

The nonsmokers have been patiently putting up with the smokers for a long time and suffering because of it. The staff who have quit smoking, who used to smoke, have come to me and said: "Thank you very much. We did not have the willpower to do it on our own, but now that we cannot smoke at the shop, our spouses are giving us hell at home for smoking there, our children are now starting to wake up to the fact and we do appreciate your making it easier on us because of our policy here in the shop."

It is a human aspect we are dealing with. When I picked up one of my employees who is 43 years old and suffered a massive collapse of his good lung, he was told that one more cigarette at home or anywhere would kill him. If his family continued to smoke, being in a smoking atmosphere could kill him, literally on the spot. Yet when he was released from the hospital after spending six weeks under an oxygen tent, one of the first things he did when he got home was buy a pack of cigarettes. He got over that and he did survive it.

11:50

We are dealing with a very tough issue here. The sooner cigarette smoking is banned in public the better. There should be an education campaign to the public, particularly to our young, if we can get them when they are

young. You people have the right to do that and you have an obligation to do that. The citizenry is not informed enough; the countryside is not informed enough. It is up to our representation by population and our elected officials to do it.

If 28,700 people suddenly died in a small town in Canada because of radiation, because of another Chernobyl, I am sure there would be strong enforcement enacted to prevent a further occurrence. Yet that is happening continually in Canada with smoking.

That is about it.

Mr. Chairman: Thank you. We probably have some questions for you.

Ms. Hart: Can you give me some background? How many employees do you have?

Mr. Krull: We now have 25.

Ms. Hart: This interests me since, until recently, I was a partner in a law firm. Have you lost any customers as a result of your nonsmoking policy?

Mr. Krull: As a matter of fact, we have gained customers and we have had an influx of people applying for jobs knowing we are a nonsmoking shop.

Mr. Sterling: Along the same lines, I suppose it is difficult to keep good people in the business, and you require a fair number of very skilled people. Is it a printing business?

Mr. Krull: It is typesetting and graphic arts.

Mr. Sterling: And those people are hard to keep.

Mr. Krull: That is correct.

Mr. Sterling: You must be very satisfied that you have people coming to you rather than you having to chase after them.

Mr. Krull: They are even willing to take a cut in pay from their existing job simply to work in a nonsmoking atmosphere.

Mr. Sterling: That is tremendous. I want to congratulate you on taking this step. Yesterday we heard, and I think we have today as well, it is a difficult thing for management to do.

In some cases management people are very fearful of losing good employees who smoke. It is a difficult management-union issue. I do not think anybody wants to pick up the pieces and run with it. If everybody did what you did, we would not need legislation to deal with smoking in the work place. Unfortunately, that is not the case, particularly in larger institutions.

Mr. Krull: Most upper-level management people realize that when you hire smokers, you are hiring inherent sickness problems, one third more sick days off. It is quite true. We have noticed it just in our small shop. The smokers are the ones who are off with colds and flu. They are off a lot more, and they cost a lot of money in production and man-hours.

When you lose an employee who is also a friend, who is told he can never return to his job, that hurts too.

Mr. Sterling: You being a small businessman, I appreciate your taking the time to come down to committee.

Mr. Krull: Thank you. I appreciate the opportunity.

Mr. McGuigan: Mr. Krull, is your operation a union shop?

Mr. Krull: No, it is not. We are an open shop. We will hire union people if they apply and they want to keep their card, or we will hire nonunion people. Whoever applies, as long as we feel they are qualified.

Mr. McGuigan: But you do not have a resident union?

Mr. Krull: No, we do not.

Mr. McGuigan: Can you give us any idea of the number of people who quit entirely because of your action?

Mr. Krull: Out of the dozen people who were smoking when I put the code in effect, nine of them have since quit. Three are still smoking. One, as I say, is retired. The other two may have a cigarette or pipe on their lunch break, and they go out of the building to do it. Some of them have come to me to say they are down to about three cigarettes a day, never mind a pack a day.

Mr. McGuigan: Nine, to your knowledge, have quit entirely.

Mr. Krull: Nine have totally stopped. That is correct.

Mr. Henderson: I just want to comment on your clinical vignette towards the end of your presentation. To say to somebody who is addicted to anything, "If you do this once more, it is going to kill you," is a pretty surefire way to make sure he is going to continue to do it, at least for a while. Indeed, that is how it worked out in the example you gave.

That only emphasizes the difficulty of successfully treating tobacco addiction, and along the lines of Dr. Pipe's presentation yesterday on the real urgent importance of a preventive approach, the approach you have undertaken is very commendable.

Mr. Krull: Thank you. It is only because I love my people.

Mr. Chairman: Thank you very much. We will have some lunch now, I presume, and return at 2 p.m.

The committee recessed at 11:56 a.m.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

NON-SMOKERS' PROTECTION ACT

THURSDAY, SEPTEMBER 4, 1986

Afternoon Sitting



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Clerk: Deller, D.

Witnesses:

Individual Presentations:

Eisen, L.

Cox-Graham, B.

From the Lung Association:

Vanderburgh, Dr. G. A., President

From the Non-Smokers' Rights Association:

Mahood, G., Executive Director

From the Ontario Public Health Association:

Hancock, Dr. T., President Elect

Garcia, J., Tobacco Policy Co-Ordinator

Stanley, R., Chairman, Environmental Health Division

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GENERAL GOVERNMENT

Wednesday, September 4, 1986

The committee resumed at 2:04 p.m. in committee room 2.

NON-SMOKERS' PROTECTION ACT
(continued)

Consideration of Bill 71, An Act to protect the Public Health and Comfort and the Environment by Prohibiting and Controlling Smoking in Public Places.

Mr. Chairman: We will begin with the first presentation this afternoon. Mr. Eisen, perhaps you will take a chair at the microphone and proceed, please.

LEWIS EISEN

Mr. Eisen: I have been involved in the nonsmoker's rights movement for about 12 years since I started at the University of Toronto and was president of the then branch at the University of Toronto of the Non-Smoker's Rights Association, setting up nonsmoking areas in the classrooms at the university and moving to the cafeterias in Hart House.

When I graduated from law school and opened a private practice, I handled many nonsmoking cases. It is probably fair to say that I have handled more cases relating to nonsmoking issues than any other lawyer in this province. I have dealt with cases at all levels of government. I suppose my most celebrated is the case of Mr. Timpauer, which you heard about this morning from Mr. Timpauer. I say "most celebrated" in the sense that it progressed farthest in the court system; it got to the federal Court of Appeal. I have also handled cases for provincial government employees, employees of municipal governments, employees of private businesses, hospital employees who were having trouble with smoke in their work places and people who were having trouble with the nonsmoking bylaws.

If there was ever a wrong in our law that did not have a remedy, this is one of the areas of the law. There is a huge hole in the law of Ontario when it comes to dealing with nonsmokers' rights. There is no legislation currently enacted in Ontario that is of definitive assistance to a nonsmoker in difficulty. Most of the cases that came to me were smoke-in-the-work-place cases. The Workers' Compensation Board, which is usually one of the first places you reach for, is a typical example of a Band-Aid solution in this kind of situation. Workers' compensation helps the aggrieved nonsmoker when he has reached the point that he is so disabled he has to miss work. That is how sick he has to get before workers' compensation kicks in. Until that point, there is nothing they can do.

For employment, you are looking at occupational health and safety legislation. The problems with occupational health and safety legislation were detailed somewhat by Mr. Timpauer. The provisions of the federal act are quite similar to the provisions of the provincial act when it comes to your right to refuse to work. As counsel in the Timpauer case, I can tell you that the Canada Labour Relations Board decided smoke was not a hazard because it did

not have the evidence before it that it was. You heard why they did not have the evidence before them, but their conclusion was that smoke is not a hazard, and that is their precedent for the next case that comes up.

The Ontario Labour Relations Board does not have a better track record. In a case that came before it a few years ago, the board came to the same conclusion, that smoke was not a hazard because the evidence was not before it that it was. I do not know the circumstances of that case, whether evidence was introduced, but that was the conclusion the tribunal came to and that is what sticks in the record.

Refusal to work is the only option available to employees who fall under occupational health and safety, and that is a drastic option. When you refuse to work and the labour officer comes in and finds that you were right, your employer does not look upon you with a smile. You become a black spot in the eye of your employer for quite a while because you have pointed out a deficiency in his safety record; you have pointed out a problem.

Generally, before an employee refuses to work--I am not an expert in labour relations--my experience has been that there have been many attempts to bring the problem to management's attention. The cases under both Canada and Ontario labour relations laws have tended to use the refusal to work for instantaneous hazards such as the roof collapsing or an unsafe staircase or something that might instantly happen. They do not apply that type of legislation to the ongoing buildup of conditions. Radiation is taken into account because there is special legislation dealing with that. It is the same with asbestos. Because there is no legislation dealing with tobacco smoke, that is never taken into consideration by those boards under the Occupational Health and Safety Act.

This morning, one of the members asked what the medical officers of health are doing under all this. I can tell you what they are doing. On July 1, 1984, the government passed the Ontario Health Protection and Promotion Act. That act has a provision which says the medical officers of health and the local health department in each municipality have the responsibility for supervising health hazards in their own area. A health hazard was defined in the act roughly as something that causes a hazard to the health of any person.

14:10

When the bill first came out, people in the nonsmokers' movement thought: "This is wonderful because now we have something. Surely smoke causes a hazard to the people who are exposed to it. Surely we have something we can use now." Three days after the act was passed, I made a complaint to the medical officer of health regarding the provincial courtrooms in Toronto, one at 444 College Street, which is civil and criminal, and one at 311 Jarvis Street, which is family. The complaint was that, because there were no no-smoking areas in the waiting rooms, there was always smoke.

I can tell you that people who go to court smoke a lot; there is something about it that makes them smoke a lot. They were smoky areas, and therefore there was a hazard to the people there. I wanted the board to go in and make an order that the smoke was a health hazard and to make some kind of order: They could ban it, set up a no-smoking area or do something.

I gave them the same evidence that was presented at the Timpauer case; that is, the list of chemical airborne contaminants and a list of the constituents of cigarette smoke with the threshold values: "The cigarette

contains such and such contaminants. Here are the threshold values. You can see that if one cigarette is lit, the threshold values are exceeded. Please do something." After two years of wrangling with the city, the response I got was: "We really do not care what is in the cigarette smoke. It is the cigarette smoke itself for which we have to have a threshold value, and it does not exist."

That brings me to having to take the city to court to fight out that issue, but that is what the medical officers of health are doing. The official position of the Toronto board of health is that secondhand smoke is not yet a hazard under the Health Protection and Promotion Act. That piece of legislation, which looked as though it might provide some solace to us, in fact presented nothing.

The common law of nuisance and negligence, which was referred to earlier, brings in the general problems of civil litigation. I have never recommended to a client--nor could I, except in a very rare situation--that he should bring a common law suit, with all the expense and paperwork that litigation entails under the current state of the common law. There is one incident I know of where nuisance was successful for secondhand smoke. That was in British Columbia. It was a tenancy situation, and a tenancy situation is probably the most likely case to be successful, because the landlord has a duty to ensure that other tenants do not provide a nuisance. Unless you find yourself in that kind of position, the law of nuisance, either public or private, does not avail you very much.

The bylaws that are enacted by the various municipalities are very well intended, but I can tell you from both prosecuting as a solicitor and prosecuting as a private individual, those bylaws are a pain and a half; they are so situation-specific. If you are in a store, they apply to the counter but not one foot past the counter, because it is only in the service line.

The police are very reluctant to lay any charges under the bylaws. I think police do not like laying charges under municipal bylaws; that is my conclusion. They do not like noise bylaws; they do not like any municipal bylaws. They are just very reluctant to lay charges. They will not lay a charge if they do not see a person smoking themselves, since it is a summary conviction offence under a bylaw. They have to see the act being committed; otherwise, they turn it over to you, the individual, to lay the charge.

As an individual, you have to go prepared with the knowledge of a lawyer. You have to take a copy of the bylaw to the justice of the peace. You have to tell the clerk behind the counter how the charge should be worded, because there must be something in their handbook about not keeping the wording of this particular charge on hand. You have to go to court prepared to prosecute the case itself.

I tried to bring the city into this and have the city solicitors prosecute under their own bylaw. They agreed to do so for about two months, and then they changed their minds. They decided they did not have enough evidence or something and they changed their minds. I have to prosecute it myself.

Bringing an action under the bylaw, a prosecution, is a difficult thing to do. It is compounded by the fact that under municipal bylaws, at least in the city of Toronto, the police cannot force a person to divulge his name; they tell you that right up front. If you want to complain about a person breaking a no-smoking bylaw in a store, the first thing they will say to you

is, "We cannot make him tell you his name; it is only a municipal bylaw." The police will say: "I cannot force the man to reveal his identity. He can do so if he would like, but I cannot force him." This shows you the gaps we have in the current state of the law on nonsmokers' rights.

The best thing I can say about the bylaws is that they confront the health issue right on, and that is really important. When the University of Toronto banned smoking in the classrooms 10 years ago, it was not a health issue; it was a maintenance issue. They said: "There is too much litter. We are going to ban eating, drinking and smoking." It was a maintenance issue, a problem of cleaning men and costs, etc.

I heard on the radio that the Toronto Transit Commission recently announced it is going to ban smoking on its platforms. I received a copy of the report from the TTC. We have the same problem in it. The preamble to the report says: "Litter is a problem. We are going to ban eating, drinking and smoking." There is nothing about the circulation of the air on subways, which we know is a problem, because subways are enclosed areas, or the circulation of the air within the platforms. It is just not addressed. They are approaching this from the same standard as chocolate bar wrappers and are avoiding the health issue.

A friend of mine worked for the regional municipality of Peel in Brampton. They have a rule that you cannot smoke in the computer room because it damages the computers. They do not care that you smoke outside where the people are, even though it damages the people; that does not matter. They will not deal with the health issue. That is where the bill before you gets its greatest strength: it confronts the health issue as a health issue. It fills the gap in the law that exists to this point.

My interest is to see this bill come to law, and as a lawyer I am first to look for loopholes. Where is somebody going to come up and try to challenge this? Where is somebody going to try to shoot it down? I would like to draw your attention to a few sections in the act which might need more detailed study. Because of situations I have already encountered, I feel these sections might become loopholes.

I refer first to clause 1(a), which deals with enclosed public place. You have the definition before you. Mr. Sterling, does everyone have copies of this act?

Mr. Sterling: No. The chairman does not seem to have one.

Mr. Chairman: Mr. Sterling does not have one. He took mine this morning.

Mr. Eisen: I always find it helps to have a copy of the bill you are looking at.

You have the definition of "enclosed public place" before you. I cannot tell you the number of times I have walked into a store and there is a little service counter where a man behind the cash register is smoking. There are nonsmoking signs all over the store, and you say to him, "Excuse me, but do you not know this is a nonsmoking area?" and he says: "But customers are not allowed back here. This is my area. This is for staff only."

So we have a problem, because when the cigarette is sitting on the counter it is, under the bylaw, smoking in a public retail area. It is a

public area when the smoker is on the right side of the counter, but if he is standing on the left side of the counter, it is a private area. There was a gentleman I saw smoking a pipe in the middle of a drug store. Smoking in a drug store always blows my mind. He was standing in the post office box, and he said: "This is not open to the public. This is private." It was just a counter.

The realities of modern work spaces are that when the bank divides the work place from the public place, it is divided by a three-foot counter. The people on the public side of the counter cannot smoke and should not be able to smoke. That effect is lost when the people on the private side of the counter are smoking.

The enclosed public area has to take into account that we are talking about public air space. It is not territorial in the sense of where there are pedestrians or where you are allowed to walk or where you become a trespasser, but concerns who shares the same air space. That is the concern. If we, the customers, are sharing the same air space with the people behind the counter, they have to be bound by the same rules we are. Otherwise, there is a loophole.

I refer you to clause 2(2)(a), "a reasonably substantial area of the place is not so designated." This is the designation of an exemption.

I had a client come to me about a year ago, and he was having problems at George Brown College. George Brown College, as far as it was concerned, was not a public place, but let us assume it is a public place, because it is an educational institution and it is going to fall under this act. George Brown College took the position that its classrooms were nonsmoking areas, which is fair enough, and there were nonsmoking waiting rooms. Therefore, most of the area had been designated nonsmoking. My client was sick because he had to walk from the front door to his classroom. In that time he got very sick; so his doctor ordered him to stay away from the college.

14:20

We have to be talking about contiguous space here. I am sure you have all been in restaurants in Toronto which have nonsmoking sections by designating a table here and there. It does not do you much good. We are talking air space again, and we have to be talking about the point of access from a building to whatever public area he would be using. If it is a government building, the public area stretches from a lobby, up the elevators, and the stairwells and through the corridors to that office. "Reasonably substantial" does not capture that. We have to watch that we are not just playing with numbers in looking at proportions.

There are two other small areas in the act as worded that I want to point out. Section 3 talks about the reasonable efforts that a proprietor of an enclosed space can make when somebody is infringing the act. It says he can either post signs, designate seats, ask smokers to refrain or take other appropriate action. That is the way I read the "or" there; that is, filling any one of those conditions means he has responded to the requirements of the section, and he is therefore relieved of further duty. I do not think that is the case. It should read "and."

He should be required to post signs and designate seats in the right cases, to ask smokers to refrain when so requested and to take any other appropriate action. This should not be a list of alternatives for him. It would mean that everybody could comply with the law by merely posting signs and not doing anything else. We want conjunctive sections there.

The last section is section 5. "No person shall smoke a cigarette...in an area of a work place that is prescribed as a nonsmoking area." Section 8 then says the Lieutenant Governor in Council may make regulations prescribing these work areas. Since the general tenor of the act is to make nonsmoking areas the norm and to designate smoking areas for the convenience of smokers, the same should apply to work places. The default position should be a nonsmoking work place and if, for some reason, a proprietor of a business feels his business should be exempt, he should be able to come and show cause to the Lieutenant Governor that his type of business should be exempt. It might be because of the setup or personnel or whatever reason. That exemption should allow him to lie outside the purview of the act.

That section is an anomaly because nonsmoking is the norm everywhere except in the work place. In the work place, it says smoking is the norm unless you fall under a regulation. It should be the other way around: Every place should be nonsmoking unless exempt by regulation.

I would address the point of the civil remedy which is not included in the bill, and I cannot say I am sorry. It is not a civil wrong. There is a public wrong being done by smoking in a public place. It is not a civil wrong. Giving someone a civil remedy puts the burden of enforcement on him in a way that making it a public offence with either quasi-criminal or provincial offences prosecution does not do.

I find the \$100 fine light, but I am sure the members of the committee have dealt with fines before. In my own experience, I find that a light fine. Since it is a maximum, you could probably safely set the maximum higher and leave it to the discretion of the judge in the particular case.

Last, I wish to speak to the issue of enforcement and challenges to this law. There has been some talk about this bill being difficult to enforce, and whenever people bring that up, I always refer them to speeding laws. As you know, we have laws against speeding that people break all the time. We would never recommend that we therefore repeal speeding laws. Speeding laws are terribly difficult to enforce because they are true public wrongs. When you on a highway and somebody speeds by you, you do not pull over and call a cop. You assume somewhere down the road that some officer will pull him into line.

This is a much more self-enforcing type of legislation. Anybody who is in an aggrieved situation has the option to bring it to the attention of whichever authority is set up to regulate it. It is far more enforceable than the speeding law. Anybody who is in this position has the option of bringing it first to a manager of a business, then to whatever authority is regulating it, and finally, if there is a prosecution, he has the option of bringing it before the courts. But it affects him so directly--and I think you will find by the number of people who have come to lawyers seeking advice about what they can do in a nonsmoking areas--that people will take the initiative--to try to enforce these laws in their own businesses.

With respect to the challenge aspect, I assume the challenges that will take place are charter challenges. Every young lawyer who comes before the court wants to make his name by introducing some brilliant new challenge to the Canadian Charter of Rights. Here is a law that defeats the charter because it is infringing on somebody's rights, but I do not think this is an infringement-of-rights problem.

When people do not smoke in the computer room of the municipality of Peel, we do not have a problem of infringement of rights. When people do not

smoke on the tarmac at Air Canada because it will cause an explosion with combustion of the fuel, we do not have a problem of infringement of rights. If people do not smoke because the health of other people is endangered, I have trouble seeing it as a problem of infringement of rights. I am not a constitutional expert, and therefore, I feel free to speak.

I have difficulty seeing that if the law were struck, it would be struck on the basis that it was infringing on a smoker's rights. Surely the courts have hierarchies of rights they set up, and the nonsmoker's rights in this position takes precedence. We do not have rights to drink and drive and all that, and this falls into the same line. People have a right to smoke when it does not interfere with other people's enjoyment of their lives.

I should end by saying that despite all the picayune points I have put to you about the bill, I think it an excellent initiative. I urge the members of the committee to spruce it up, make it airtight and send it to the Legislature for passing.

Mr. Chairman: If we make it airtight, you will not have any business.

Mr. Eisen: Actually, I no longer practise.

Mr. Sterling: Perhaps I could respond. As the proponent, I want to thank Mr. Eisen for sharing with us his considerable knowledge of this whole area of law. I have taken note of some of your comments, and I advise you that I am going to come back to you and ask you for the remedy as well. As I know, it is sometimes easy for a lawyer to find the hole, but I want you to help me fill it.

Your comments about the public air space are well taken. I am going to address my mind to that before we get to the clause-by-clause and see whether I can do that. I have also noted your comments on section 2 dealing with the contiguous areas, the areas of access to and from wherever you are going to be, in the classroom at George Brown or whatever.

In regard to section 3, duties of the person in charge, I put in that section to give some guidance to a judge and a proprietor on what it was reasonable to expect of him when he was setting aside a nonsmoking area. Clause 3(d) was put in, and I am going to have to go back to my discussion with legislative counsel, which was almost a year ago now--as you can imagine, I cannot remember everything we talked about--but I think we put in clause 3(d) to cover a situation where somebody had not lived within the very confines of the act and it was something I could not think about that would be reasonable in notifying the public as to where a nonsmoking area was. I will go back and look at that.

Section 5 was worded that way purposely. This is the section that deals with the work place. The way you are suggesting it be done would be preferable to me, but I recognize that if that were the case, the day this bill was proclaimed every work place in the province would have to become a nonsmoking area. I do not know whether it is reasonable in a practical sense to do it that way.

The structure of the bill was set up so some negotiation and consultation could go on with various businesses in different sectors to set forward reasonable regulations so they could deal with the problem.

I am an advocate of this cause, as you can well imagine, so much so that I would go to your extent, but I do not know whether it would be politically acceptable.

Mr. Eisen: There may be a simple solution, and that is to delay the coming into force of that section for a period of six months to enable businesses to take care of their affairs and make those representations to the Lieutenant Governor in Council to try to exempt themselves.

Mr. Sterling: I would certainly entertain such a motion if that was the feeling of the majority of the committee.

I agree with you in terms of the civil remedy. That particular avenue has been tried in terms of controlling a public nuisance in various other kinds of legislation and, generally, did not work in the long run. Because of the expense of an individual trying to enforce his right, we all are angry for the immediate moment. If we have to go to the lengths of spending great deals of money, we sometimes forget about those particular problems and just say we will not go back to that particular area.

I agree with you that under section 7 the fine of \$100 is not enough when you are dealing with a proprietor of a public place. The amount of \$100 was reached in terms of me thinking, at the time when I was drafting, that you were dealing with individuals. I did not want anybody who was smoking in a public place to be prosecuted and have a great deal of money taken from them.

I would like to entertain, during clause-by-clause debate, two kinds of sections. One would deal with a member of the public who was contravening by smoking in those places, and would leave the fine at that. But under the other sections, in dealing with a proprietor, there would be a much higher fine. I would separate it like that. I would like the committee to consider that anyway.

I agree with your position on enforcement. I do hope you will assist the committee in terms of addressing some of the problems that you have outlined as well.

Mr. Eisen: I will in any way I can.

Mr. Pollock: You mention the police enforcing bylaws. I happen to come from a small, rural area. In those particular areas we deal totally with the Ontario Provincial Police, if you ask them to enforce municipal bylaws they say they will not do it. They say it is not their job. You had to have your own bylaw enforcement officer. That might be different in a builtup area where you have metro police or a regional police force. Could you please clarify that?

Mr. Eisen: What you say is true. The bottom line is that the Metropolitan Toronto Police do have the authority to enforce Metro Toronto bylaws but frankly, they have more important things to do. In fact, this kind of ranks with parades.

Mr. Pollock: What you are saying is they can have their own bylaw enforcement officer here in Toronto to enforce these bylaws.

Mr. Eisen: When the bylaw was first passed it was put under the Toronto Department of Buildings and Inspections. The smoking areas seemed to be a building code problem. When that did not work it was put under the Department of Health.

Sending inspectors to do enforcement is a different angle than sending police officers to enforce matters. That might be something the committee might want to look at. The problems I have had with the Department of Health is not with the members of that department. It is not that the members of the department are less competent but merely that they need clearer direction. If the words "smoke is bad" were in there they would get the message a little more clearly. The Health Protection and Promotion Act, which gave them powers, did not send the message clearly enough.

Mr. Pollock: Getting off the topic of policemen on to the medical officer of health, did you mean that the medical officer of health has no authority in this field?

Mr. Eisen: He has the authority under the Health Protection and Promotion Act to declare whether something is or is not a health hazard. He can then take action. When they tag garbage as a health hazard, it is a specific piece of garbage, you can put a tag on it and see it. If you complained about smoke, by the time they got there it would be gone and there would be a new piece of smoke. They could not ban that because it would be something else. They would have to inspect it each time. This was the first argument.

When we had overcome that hurdle, there was the problem that they did not have a threshold level by which to measure it. They cannot declare it a hazard because, as far as they know, the government has laid down no guidelines for them. It does have the power, and if it were something that was perhaps more politically expedient, it might take that route. As a Legislature, you would not have to invest them with powers they do not already legally have, if that is what you are asking.

Mr. Pollock: But you are saying there are no clear guidelines for them to act on it?

Mr. Eisen: Exactly.

Ms. Hart: Following on from what Mr. Pollock has asked you, in your mind is it best that the Ministry of Health be charged more specifically with the investigation of a complaint and also with the prosecution--I am lost somewhere in the middle there--or do you think someone else should do the prosecution? Who are you suggesting should prosecute?

Mr. Eisen: I am afraid I do not have a suggestion, and that comes from the fact that I have not dealt enough with criminal law to know who are the most efficient enforcers of these types of things. I look at it as a private citizen saying: "Bring in the police. The Royal Canadian Mounted Police force has to handle this." But that is not the case. I do not know who is more efficient. I am afraid I cannot even make a recommendation to the committee in that area.

Ms. Hart: The other area I wanted to explore with you briefly was the civil remedy. As I understand it, the law is a little unsatisfactory on whether a civil remedy exists when there is a statute with a fine, a penalty section, in it.

Mr. Eisen: That is right.

Ms. Hart: It is not crystal-clear. Do you see any reason a civil remedy, as well as a penalty section, should not be included?

Mr. Eisen: I do not know that it should not be included. I think that if it were included, it would not be used. That has to do, at least in the city of Toronto, with the fact that using the small claims courts is cumbersome. It is difficult to bring an action. For an assault, if you were punched in the eye and were left with no visible marks, you would be looking at perhaps \$500 in night court. For a civil action for smoking, where there are no visible marks and you have to bring in very qualified medical personnel to back you up, it is not worth the expenditure to try to enforce the civil remedy.

Ms. Hart: I am thinking of a very serious case. We have heard some horrendous stories from the physicians who have testified about the effects of smoking and secondary smoke. I cannot put my finger on one exactly, but there may be a very serious case where someone has lost his health as a result.

Mr. Eisen: You have more problems. You have the problem that you have to prove the causation there.

Ms. Hart: I understand that.

Mr. Eisen: There is the remoteness question and how many contributing factors there were. As you know, in cases in the United States smokers claiming that their health was damaged from smoking have not been able to prove conclusively that there were no other contributing factors. Melvin Belli's case was recently lost on that basis: he could not prove beyond a doubt--this was a prosecution in the United States--that there were no other factors contributing in this man's lifestyle. I think we have the same problems here.

If a worker takes a co-worker to a civil remedy for smoking, what are his damages? How much is he aggrieved? I suppose he is aggrieved discomfort. Unfortunately, pain and discomfort is not worth very much. It is not a big case. I do not think a court would award a large damage suit because a co-worker had induced cancer in another co-worker.

I do not think the court can come to that conclusion on the basis of the current state of medical evidence. I look to doctors such as Dr. Pipe for my witnesses when I go to court. They do not have that kind of evidence yet. The best they can say is: "We know smoke in general causes it, and we know exposure causes it. We cannot trace smoke to individual people."

You would have a problem even establishing damages in the causation. It would be nice to be in there, but it would never be used.

Ms. Hart: It is a good to explore it, because if you are not able to prove it, then there is not much point having it there.

Mr. Sterling: Can I have a supplementary on that? (Inaudible) you are including a civil remedy in the same statute, in the same law, because I would guess that then the enforcement official, whoever is charged with it, might say: "You have a right to go and be aggrieved another way in the civil court. Go ahead and do that. That is your remedy. Do not bother us with it." It would be a walk-away provision, notwithstanding all the other problems you state.

There may be a very good right of action, or we may feel there should be a very good right of action, for an aggrieved person. I am just frightened of the downside. I view the legislation as more preventive than reactive in terms of getting back for old wrongs.

14:40

Mr. Eisen: I think that is true. One thing you might do to correct that is to ensure that if the enforcement officer, whomever that may be, declines to lay some kind of charge, it would always be the option of the aggrieved--the complainant--to make the same complaint in court, in the same way a person can bring a private prosecution.

Ms. Bryden: I would like to congratulate Mr. Eisen for bringing his legal expertise and experience with some cases to us to show the limitations of the various laws we think might help us get at this problem or obtain some compensation for people who are aggrieved.

When you start getting into the medical effects on an individual, do you think we may have to go to the proposal for a workers' compensation approach to all citizens, so that anybody who suffers injury or disease would get some sort of compensation, or to an accord based on an assessment of the extent of a disability? Such a board would consider secondhand smoke but might not be able to establish that as the main cause. Do you think that is an approach that might be considered?

Mr. Eisen: You have pinpointed the problem right there. As I said, workers' compensation is a curative measure, not a preventive measure. This kind of legislation is preventive. That is where you have to hit people.

Ms. Bryden: The other thing you seem to have pointed out is that the role of the medical officers of health, as defined under such legislation as the Ontario Health Protection and Promotion Act and city legislation setting up boards of health, seems to preclude them from taking an active role in preventing secondhand smoke in public places or in work places. They seem to have opted out of that role. Do you think their role should be redefined?

Mr. Eisen: I do not know.

Ms. Bryden: It is a very difficult issue.

Mr. Eisen: I do not know enough about the purview of their responsibility as departments of health. My experience has been mostly from the perspective of the aggrieved person. They deal with a lot of things that go beyond the realm of secondhand smoke. I do not know that this is something--it may be. I am sorry, I cannot guide you in that direction.

Mr. Bryden: Do you think a provincial law would be able to define more precisely the public places--you say the municipal laws are terribly inadequate in that they define only the top of the counter and not any other area. Should we be recommending strongly more rigid definitions?

Mr. Eisen: Yes. The city of Toronto has to act with utmost caution when it enacts this kind of bylaw because it is without precedent in most cases. It is without the legislative support of the province, at least to date. In fact, you may be aware, its first bylaw was thrown out of the courts because it put the enforcement on the proprietor of a premises. The court in that case held that a municipality could not make a proprietor enforce a bylaw. That was beyond his jurisdiction. They have to be conservative by their nature.

The province has the power to be very liberal in its determination of what constitutes a public area. I think the province also has the advantage of

uniformity. When I call a restaurant now to find out whether I can make a reservation, I have to ask which city it is in so I know whether it has a smoking or nonsmoking section. There is a lot to uniformity.

One of the problems with the publicity of the bylaws--and there is a problem in the publicity of the bylaws; many people still think the bylaws are not in force--has to do with this disparity across the province. Without that uniformity, public education is greatly hindered.

Ms. Bryden: They may pass a model bylaw which might give municipalities a bit more power. Being a sort of common denominator, it may be too weak.

Mr. Eisen: I would approve of the provision. I understood the explanation Mr. Sterling gave earlier about why the act should give the municipality the ability to enhance the legislation, and I fully support that. There may be edifices or work structures and those municipalities which cannot be conceived of in this legislation. We may be looking at hockey arenas, which were not thought of, or change rooms or something in their legislation we do not have and are not looking at in Toronto.

Ms. Bryden: Basically, you have brought a lot of problems home to us, particularly of enforcement.

Mr. Eisen: I hope I am not turning you off it.

Ms. Bryden: I think it means we have to address those problems.

Mr. Eisen: Yes, they have to be addressed.

Ms. Bryden: We appreciate your bringing them.

Mr. Chairman: Thank you, Mr. Eisen; well done.

The next presentation is from Brenda Cox-Graham. Are you travelling alone today?

Ms. Cox-Graham: Yes.

Mr. Chairman: If you have any cohorts, you can bring them up with you.

Ms. Cox-Graham: I am kind of a loner on this issue; at least, I have felt that way for some time.

Mr. Chairman: You seem to have some friends here.

MS. BRENDA COX-GRAHAM

Ms. Cox-Graham: What I have brought to the committee this afternoon is personal testimony more than anything else. I became politicized on this issue four years ago as a result of personal experiences, as do many people on a variety of political issues. I believe you have copies before you of the small presentation I have prepared. It has three parts: suggestions for a limited number of changes to the proposed act; a description of my personal experiences, which support what you have been told by Mr. Eisen; and a small petition from individuals, which I wish to leave with you.

In subsection 1(a), I would like to see added financial institutions, any building that houses government services and any building housing provincial courts of law, which I will deal with in a moment.

I feel the wording of clauses 2(2)(a) and (b) is vague. I fear it could easily be used to avoid the intent of the act. I would like to see separately vented rooms for smoking areas or at least separate, enclosed areas for smoking, because of the same problem Mr. Eisen mentioned: It is hard to stop smoke from drifting in these contiguous areas. It would help with what is commonly referred to as the tight-building syndrome.

In subsection 2(3), I would like to see all government-funded post-secondary educational institutions expressly included, which is where I became politicized on this issue.

I will take you through my presentation. I arrived in Toronto four years ago to take up my studies in Osgoode Hall law school at York University. I was delighted in my good fortune. However, it faded as my health began to suffer in the environment of the air at Osgoode. It is a modern building designed to preserve energy and reduce heating and cooling costs rather than to preserve the quality of the indoor air. I was amazed to observe the waves of epidemic-like colds, flu and bronchitis which swept through the student body annually. This had never been one of my observations in my undergraduate years at McMaster University in Hamilton.

A good example of the tight-building syndrome, which I understand is a contributor to those epidemic-like colds, flu and bronchitis, is at the grievance settlement board in Toronto, one of the places where I spent a great deal of time as a law student this past year. The building is hermetically sealed, and when I was in a hearing I always knew, within seconds, when the gentleman in the office next to the hearing room lit his cigar. Within seconds the cigar smoke was in the hearing room, where smoking was forbidden. It did not make any difference. We all enjoyed the cigar together.

14:50

Unlike McMaster University, York University allowed smoking everywhere--in the classrooms, the halls, the student lounges and business offices, even the cafeteria. Osgoode has very few windows in the traditional sense such as you have in this room. It is a very austere-looking building. It looks like a jail from the outside, actually. The windows we had did not open; they were sealed, although I understand there were a few small ones in some professors' offices that opened. Some of the professors definitely needed them.

In addition, the ventilation system is turned off on weekends. The campus also contains an incinerator. I do not know what they are burning. I never had the courage to ask. I am told when the pollution levels in Toronto get quite high, that is one of the first culprits to be shut down.

I wrote my first set of examinations at Christmas 1982. My eyes were streaming and my nose was so blocked from the chain-smoking lady who sat in front of me I had to breathe through my mouth as if I had a severe head cold. It was most unpleasant. I complained to the assistant dean's office, which resulted in my being given a private office in which to write my exams. I thought this was a great idea until when I wrote my next exam, the professor in charge of the exam found an error in the examination question. He went to the main body of the students writing the exam and said: "By the way, look at question XYZ. I have a change for you." Guess who did not get the change.

I subsequently obtained a copy of York University's smoking policy, and I brought it to the attention of the assistant dean, who was quite surprised to learn of its existence. I was informed that the administration would attempt to separate smokers for the next spring exams but no promises could be made. I insisted, however, that the policy be adhered to, which no doubt endeared me to his heart. To his credit, however, a notice was circulated informing the students they could request a smoking room. Out of approximately 300 students in the first-year class and another 600 students, four people requested a smoking room for the next set of exams.

Another notice was circulated announcing there would be no further smoking in the classes, to comply with the university's policy. Only one of my professors announced the change, however, and some of the staff openly defied the notice and continued to smoke in the classrooms, in spite of requests by students that they not do so, which left those particular students in a very coercive situation. I found out about this because by that time I had become a visible person on the issue, and the students in question came to me with the problem asking what should they do. The names of the persons involved became known, and I quietly went to the assistant dean, who corrected the situation. However, the students were then known and had to deal with that.

I circulated a support petition among students. I organized a small committee of students and staff to draw up a proposed policy to deal with the other problems. The smoking in the halls, the cafeteria and the two student lounges was causing a serious buildup of smoke in the poorly ventilated building. A lot of the students were having breathing problems, certainly those who spoke to me. By then, I was getting people coming to me because they knew of my interest.

The more serious complication, however, was that Osgoode was built at a time when they used asbestos to line the ventilation systems. This was known, had been known for a number of years, and was being monitored. At that point, the administration had decided to remove it. They were making plans as to how they would remove it safely. I was concerned about the interaction of the buildup of smoke on the one hand and the removal of the asbestos and how that was going to be done on the other. I understand there is something like an eight times greater risk to people who are exposed to a combination of asbestos as well as tobacco smoke.

I made no further progress at Osgoode. To this day, as far as I know, no further controls on smoking are in place. I had requested that they take one of the lounges and turn it into a nonsmoking lounge. That lounge had a drinking licence, and they could not change it to the other lounge. So then I said: "How about the other lounge? We will make it a nonsmokers' lounge." It had the slot machines. The students like to play little, mindless games. I suppose it comes from studying law too long, I do not know, but they are very popular and quite lucrative for the student association. It turns out that gaming is more important than a nonsmoking area, and drinking seemed to be more important. I have certain sympathies for at least one of those. However, we got no further. That was the bottom line on student smoking, and at no time were we allowed even to discuss the issue of staff smoking.

There are four floors of offices in the building--this is the academic school--which contains the support staff, and of course the staff are predominantly middle-aged males. That particular group tends to smoke a bit more than other groups in society. Obviously, they have been cutting back, but one of the things they do is to switch from cigarettes, because they are dangerous, to pipes and cigars, which are merely obnoxious.

My options, however, mirroring what Mr. Eisen has just told you, were extremely limited. I went to the medical officer of health, eventually relying on the Health Protection and Promotion Act, and it was quite clear: "We do not really want to bother with you." I put this down to the fact that it could have been Mel Lastman's cigar-smoking territory in North York, but who knows? They were not interested, nor was the Ministry of Labour or the Ministry of Colleges and Universities. They just did not want to talk to me, period. They had no means by which to deal with the problem.

This was around the time when I did a little research paper on the issue and discovered basically what Mr. Eisen has told you: There are almost no legal remedies for individuals to deal with this problem, and certainly not if you are a student with limited financial resources to hire such people as Mr. Eisen.

One of the other issues I would like to ask you to consider is that of the provincial court buildings. An egregious example is the unified family court in the Hamilton area. It is a converted older building with very low ceilings. It is obviously a very traumatic time for many people when you go to family court, if not for all people, and, as Mr. Eisen mentioned earlier, they tend to smoke more. I have been in there on a number of occasions in the past couple of years and found I had to wait outside the building to compose myself and not be sneezing and wheezing when I went into the court. It was that bad. That is just one example. I am sure Mr. Eisen is aware of others too.

I have not discussed the health issue, for a couple of reasons. First, I am not qualified. Second, I have reached the point now where I have done a lot of research on the subject, and I feel that to continue to discuss the health issue at this point is simply to legitimize that which is no longer legitimate. There is no controversy; that is the propaganda put out by the tobacco industry. It is a health hazard. Nobody in the medical community seems to question that, and I am not even going to discuss it, for that reason.

Third, as a backup for that, I refer you to this textbook, *Smoke Ring: The Politics of Tobacco*, by Peter Taylor. For your benefit, I have included in my presentation a copy of chapter 11, called "The Six Million Dollar Men." Page 199 quotes Ed Greffe, who is vice-president of public affairs of the Philip Morris tobacco company, as saying: "Forget it. We want no goddam brochure on the health question. We can't win on the health question. We'll lose."

Instead, Mr. Greffe, who is a former political consultant, approached the attack on nonsmokers' rights advocates by identifying the soft spots of the public prior to their voting on smoking control legislation and asking conversion questions about them. For instance, Mr. Greffe listened to public opinion polls that indicated cost factors in enforcement of the legislation as being the key to their acceptance. When the question was posed, "What if \$20 million were required to enforce that legislation?" the public rejected the legislation. Lesser amounts resulted in their acceptance.

After that, the only thing required was to spread the word that the legislation would require \$20 million to enforce, and it worked. We are talking about referendum-style politics here. In spite of the fact that the initial problem with costs was merely a decimal point, as the chapter I have included will indicate, nobody believed it after that. If you have enough dollars to plug into your mass advertising campaign, you say it is going to cost \$20 million to enforce. They killed it. Nobody would vote for it.

I recommend that entire book to you. The book is very carefully documented and is a detailed exposé of the real issue at stake. That is a political one; it is money. That is why the medical officers of health and the Ministry of Labour do not want to touch it. That is why the Ministry of Colleges and Universities would not touch it. It is a legislative question at this point. They do not want to usurp the role of the Legislature. That is why they will not handle it.

15:00

The tobacco industry is dying in this country, but not, unfortunately, as fast as our citizens who smoke nor as rapidly as our young people are influenced by the insidious lifestyle advertising of the tobacco industry. Law is my second career. My first career was in teaching. Smoking and the effects of smoking on young people are simply outrageous; they are so susceptible to that lifestyle advertising. Particularly if you read this book, you will discover that the tobacco industry is like a hydra; if you cut off one little head, it grows another one over here. I use that analogy in the hope that you will see this piece of legislation for what it is, a tiny pebble niggling away at the hide of the Goliath. Besides, Mr. Sterling's name is Norman and not David.

Mr. Sterling: I am about the same size as David.

Ms. Cox-Graham: This legislation is just a little pebble. It is not going anywhere near the forehead. It is a minor remedy that citizens such as myself could turn to to rely on for some kind of assistance in getting some control over one's education. As I see it, it is just part of your public health policy.

I like the all-party composition of the committee, and I hope it reflects the nature of the issue. It is something the public needs in terms of protection. I hope you will see fit to work co-operatively in that spirit of public health to produce this very small, but needed, piece of legislation free from the vested interests of the tobacco industry that have been so highly successful in the United States.

I have a copy of a small petition. Mr. Sterling, thank you very much. I thank you all for the opportunity of addressing you this afternoon. I appreciate it.

Ms. Hart: I wish you had gone to the University of Toronto--

Ms. Cox-Graham: So do I after I heard--

Ms. Hart: Since you left law school, have you found any difference in working? Have you had any more success with employers than with law schools?

Ms. Cox-Graham: As a matter of fact, I have. I worked for a very enlightened employer, Mary Cornish, this past year as a student at law. As well as being a fine person, she was a fine employer. The result was that I worked in a smoke-free environment. I found that the social pressure from my fellow workers who did not smoke was quite effective on those who did initially, who very shortly after quit. Whenever anybody new came in, they faced a solid wall of people who did not smoke. Nobody even had to say anything. They just stopped smoking.

Ms. Hart: What has your clients' reaction been?

Ms. Cox-Graham: I do not think that has been a problem that I have noticed. When I have personally said to a client, "Excuse me, but I wonder if you would mind not smoking while we are in the room," nobody has ever been very rude about it.

However, that has not been my response otherwise. When I was at Osgoode, I contacted the Ministry of Labour, I think it was. They would give you pamphlets and posters to put on the walls to encourage people not to smoke. I put some up in Osgoode, and some dear soul ran around overnight ripping them all down. It was a hot issue with some people. It put the onus on you to say constantly, "Excuse me, but would you mind putting that out?" You become a social pariah in some settings. You appear to be the person attacking when in fact the smoke has attacked you first. You are defending yourself at that point.

Ms. Hart: I guess law schools are perhaps not the upholders of free speech that they might be.

Ms. Cox-Graham: On occasion, that is quite right.

Mr. Sterling: Thank you very much for your informative brief. I found it very interesting hearing your story about law school, because when I went to law school at the University of Ottawa, a long time ago, 15 or 20 years ago, I instigated rooms for nonsmokers for exams as well. It was done a long time ago, and I think it continues on.

Ms. Cox-Graham: Osgoode is rather isolated in downtown Downsview, and I think that causes some communication problems.

Mr. Sterling: We are very progressive in eastern Ontario. Is that not right, Doug?

Mr. Wiseman: We sure are.

Mr. Sterling: One of the things I think is very important was brought out by your illustration from the gentleman from Philip Morris. We could find lots of excuses for not passing this piece of legislation and having it become law. We could say that it is difficult to enforce, that people do not want to enforce it, etc.

I feel as I think you do on this issue, and maybe you can confirm this, that the common law is so inadequate in this area. There appears to be no statute law to rely on and we have to start somewhere. The answers to dealing with this very difficult public problem are not going to emerge unless we gain some experience. I would appreciate any comments you might have on this. I think you were here for the previous submission by Mr. Eisen. Do you worry about enforcement? Do you have any suggestions?

Ms. Cox-Graham: His comments are quite correct. I did produce a research paper during law school on the subject and I explored the possibility of the use of injunction in a Canadian setting. Its use has been somewhat successful in the United States, although it is very limited. In our setting it is quite inappropriate, I suggest, or it is very difficult--let me put it that way.

I am afraid of escalating the issue into something like bringing in the local police. I can just see them rushing into the lounge and arresting somebody. Why escalate this issue to that level? Why not give the average

citizen the right to go to the administration, as in my case at Osgoode, and say, "I am holding you responsible for enforcing this policy."

I did not have that tool to hand when I was in school. I spent months going through all the health arguments and the political legitimacy behind such a piece of legislation. The longer we discussed it, the closer I got to graduation. I was almost tempted not to graduate just to stay there for another year; however, I controlled the urge.

Ms. Hart: I bet they were glad to see you graduate.

Ms. Cox-Graham: I suspect you are quite right, Ms. Hart. However, I have left a legacy and I am still in touch with one particular person there.

I wish I had had something to hang my hat on and say, "Excuse me," as I did with the York University's own policy. I said: "Here is the policy. I do not want you to try. I want you to do it." I had the force of that policy at least to stop the smoking in the classroom. I had no choice; I had to go to those classes, but at least I controlled that.

I had nothing else to hang my hat on. I explored all the things Mr. Eisen told you, and there was no other remedy. I needed something, and I would have preferred to be able to go to the immediate proprietor or administrator in charge of whatever the public building is and say, "Please, I want you to follow the law of the land and not do this."

Mr. Sterling: On those other sections, as I said to Mr. Eisen, if you have any suggestions on an approach to draftsmanship, I would appreciate your letting me know so we can address these problems before we go through the clause-by-clause and deal with them.

Ms. Cox-Graham: I guess my most serious concern was the section on separate ventilation. I realize you have included hospitals. Until my third year of law school, I had a very dear stepmother who passed away, and during that last year she was in a nursing home. She was quite disabled and in a wheelchair occasionally, but on one floor they allowed a smoking area. It was horrendous because a number of those people could only smoke. They could do nothing else. They were wheelchair-ridden, elderly and alone. The quality of the air in that nursing home was awful, and she had no remedy. It is not just students who have that kind of problem. Yes, I will do whatever I can to help with the drafting.

15:10

Ms. Bryden: I very much appreciate your bringing your personal experiences with York University to us. I gather this happened between 1982 and 1985?

Ms. Cox-Graham: That is correct.

Ms. Bryden: So the fact is you found they had a smoking policy, but were not apparently observing it. Do they have an updated smoking policy now, or do you know?

Ms. Cox-Graham: As far as I know, they do not. I know there are some students who are still working on the issue. The university itself has a policy of no smoking in the classrooms, which is very nice, and there is a small no-smoking section in one of the cafeterias. Again, it is very difficult

to deal with because there is a section right in the centre of York University, the main building, where the students tend to gather, of course, socializing, and the smokers basically take over.

One of the side effects of that, which I found most aggravating as a student, was that when I was finished my classes, I would leave the university quickly because I would not wish to socialize in that atmosphere. However, very valuable information passes between students when they are socializing. It is not just: "Hi. How are you? Is it not a lovely day?" They talk about issues of concern to students and lecturers, and you are virtually forced out of such a setting if you cannot deal with that air. I personally suffer from many allergies and frequently from bronchitis, and I am also allergic to penicillin, so I really have to take care of myself to prevent it in the first place, so I would just get out.

On a number of occasions, I found out fairly valuable pieces of information much later than other students simply because I was not there.

Ms. Bryden: When you went to the Ministry of Colleges and Universities and the Ministry of Labour--I do not know whether you spoke to the minister--what sort of reasons did they give you for not intervening at all to perhaps get a better smoking policy, particularly for examinations.

Ms. Cox-Graham: "It is not our responsibility."

Ms. Bryden: That is all. I am afraid that is what this committee is finding.

Ms. Cox-Graham: I think that is what it really comes down to. Nobody wants to deal with it, simply because it is a legislative thrust now, nothing else, and nobody local wants to take the responsibility for imposing something such as that.

Ms. Bryden: I do want to congratulate you for giving us this copy of "The Six Million Dollar Men" because it has some devastating information on the politics of the tobacco companies and the way they fight for their side of the issue.

Ms. Cox-Graham: I highly recommend the entire text as a very interesting view of the international size of the industry and the types of political warfare that go on over the issue. It is quite an eye-opener.

Ms. Bryden: Certainly page 199, of which you quoted part, is an eye-opener, when it says that health is not the issue. They do not fight it on the health issue because they could not win it, but they fight it on the side issues such as individual privacy, government interference, Big Brother and all that.

Ms. Cox-Graham: You got it. Thank you very much.

Mr. Chairman: Thank you very much.

Moving right along, the next submission is from Dr. George Vanderburgh, president of the Ontario Lung Association.

ONTARIO LUNG ASSOCIATION

Dr. Vanderburgh: Thank you very much, Mr. Chairman, Mr. Sterling,

ladies and gentlemen. As the president of the Ontario Lung Association, it is my pleasure to be here today and to speak in favour of the proposed Non-Smokers' Protection Act, Bill 71. I will try to inject some emotional subtext into my prepared statement.

By this time in the day, I am certain that you have been presented with the rather devastating health effects caused by exposure to secondhand smoke. As a medical practitioner, I witness these effects every day. In September 1983, my wife and I both stopped using any type of tobacco, including cigarettes, pipe tobacco and cigars, and chewing tobacco for that matter, and we concluded at that time that smoking is a very noxious addiction and also, as a corollary to this fact, that nonsmokers are at significant risk when exposed to secondhand smoke. But now the scientific evidence is in and the adverse health effects associated with passive exposure to tobacco smoke are numerous.

They include: increased respiratory symptoms and disease such as cough, and pleurisy with associated upper and lower respiratory tract infections in children exposed to cigarette smoke caused by their parents' smoking habits; exacerbation of pre-existing diseases, especially allergic rhinitis, asthma and angina pectoris; decreased pulmonary function tests in adults, which are indicative of early impairment of the small airways; irritation of the eyes, nose and throat; and increased likelihood of lung cancer.

In fact, it has been estimated that up to 500 nonsmokers in Canada die each year from lung cancer caused by secondhand smoke. There is a very significant increase in the incidence of lung cancer in females, related, I am sure, to the increasing percentage of female smokers in the past 20 years. Any physician who has been in private practice for any length of time can tell you any number of anecdotal horror stories of individual patients who have come down with cancer and ultimately expired from the disease. Interestingly enough, a lot of these physicians who will relate these stories, will themselves be smokers.

There is no finer review of the literature on the health effects of tobacco smoke than the Ontario Ministry of Labour report by Dr. House entitled The Health Effects of Involuntary Exposure to Tobacco Smoke. I am sure at some time during these hearings you will have the opportunity to read this. This report is filled with the most current research on this subject, and I urge you to read this report if you have not already done so.

Through the introduction of this legislation, and through your committee's strong leadership, the exposure to secondhand smoke will be reduced, and this measure will lead to an improvement in the health of all residents in Ontario. I am certainly not well acquainted with the machinations of the political process. However, I believe that this committee must shoulder the important responsibility to expedite the passage of Bill 71, and make whatever recommendations are necessary for the implementation of the bill.

I strongly suspect that the voters of Ontario are looking for this type of legislation. With more than 67 per cent of our population as nonsmokers, the attitude towards smoking has now evolved to the point that the act of smoking is more and more socially not acceptable. It has not been simply the nonsmokers' attitudes that have changed but also that of the smokers. A recent Gallup survey found that the majority of both nonsmokers and smokers felt that smokers should not light up in the presence of nonsmokers. With this level of public support for the restriction of something that is so devastatingly harmful over the long term to the health of Canadians there seems to be no

other reasonable response other than to introduce this proposed type of legislation.

Legislative restrictions on smoking will no doubt lead to other positive consequences as well. For example, there will be decreased fire damage and the creation of an environment which will not promote the use of cigarettes by the youth of this country. With the cost of premature death and disability, hospital and medical care and fire damages resulting from smoking far exceeding the annual consumer expenditure on tobacco products, the restrictions would significantly reduce the financial burden that the incredible addiction of smoking places on our society. There was \$5.2 billion spent on the consequences of smoking whereas \$3 billion was spent on tobacco products.

15:20

Over the Labour Day weekend our newspapers reported 53 people across Canada died in motor vehicle accidents, while at the same time approximately 250 people died as a direct or indirect result of their smoking habits. Perhaps "smoking addiction" is a more appropriate term.

At the turn of the century, tuberculosis was a major cause of death in Canada. There was no cure. The lung association has evolved out of the tuberculosis associations and sanitoriums that were formed across this country by citizens working together to diagnose and treat the sick and ultimately to find a cure.

There are 33 local lung associations in Ontario, from as far north as Timiskaming and Cochrane, down here to Metro Toronto. We are a community-based organization. Each community has its own specific issues to address. One common issue or thread that runs through all our 33 associates is this smoking issue.

In 1941, for example, tuberculosis had 6,000-and-some deaths attributed to it in Canada. As a statistic related to population, this gives us 535 deaths per million. In contrast, in 1986 there were 30,000 deaths in this country attributed directly or indirectly to smoking. Translated, that comes to 1,170 deaths per million.

In 1941, there was a general mobilization to find a cure when tuberculosis reached its height. All the sanitoriums were constructed across the country. The community did find the answer. Today we have double the incidence of disease and morbidity and mortality, and we simply have to do something about it.

With the introduction in the 1950s and 1960s of streptomycin and the discovery of increasingly satisfactory chemotherapy, tuberculosis is no longer a big problem in Canada. There are still approximately 3,000 new cases of tuberculosis and 150 deaths each year, predominantly among our native population and among new immigrants to Canada.

In stark contrast to these statistics, the scourge of tuberculosis still remains a major killer in the Third World, where five million new cases are diagnosed annually and three million deaths annually are attributed to tuberculosis.

Now that tuberculosis is under control in Canada, the lung association is fund-raising to support research, health education and community

programming to minimize the treacherous health hazards of smoking, lung diseases and indoor air pollution. The lung association has basically won its battle with tuberculosis here in Canada, not in the Third World, but in Canada. The lung association, in concert with many other concerned voluntary health organizations and charities, is really starting to turn the tide on the smoking and tobacco issue through individual group and community education, quiet advocacy and continuing and ongoing research.

No one method or idea alone will solve the smoking and tobacco problem for our society. Neither one program, nor one discovery in research, nor one piece of legislation will in itself solve the problem. What is needed is a change in the public's attitude, and I think this is happening. However, I believe all these factors combined will solve the problem and lead us to a smoke-free society by the year 2000.

The introduction of this proposed legislation will add a significant factor to the present working equation to reach an ultimate solution. It would reduce the unpleasant, distasteful effects of secondhand smoke exposure, reduce risks to health in public places and the office work place environment and thereby create an overall better environment in which all the citizens of Ontario can live together.

In conclusion, either we will all strive towards working towards figure 1, or we will end up with increasing morbidity and mortality, as illustrated in figure 2.

Mr. Sterling: Thank you very much, Dr. Vanderburgh, for taking the time to come to our committee and express the concern of the Ontario Lung Association. I was very pleased that the lung association permitted me to use your name in support of Bill 71. I am also pleased that you see this bill as only one step in a string of several steps that will be taken to reach a goal that I hope will come. Even if we reach halfway to that goal, I will be somewhat satisfied, because fewer people will be suffering from the ill effects of smoking.

You more than anyone else will be aware of the ill effects of secondhand smoke to people who have asthmatic conditions and other breathing problems. Perhaps you could amplify on the kind of membership you would have in your lung association, the 33 branches across Ontario.

Dr. Vanderburgh: The lung association is a voluntary health organization. We have staff and volunteers. The staff are primarily a fund-raising organization to support research and community programming. Some of the programs that are run are an individual smoking cessation program and a group smoking cessation program that has been termed Countdown. There are family asthma programs and school programs to try to address the lifestyle advertising that is increasingly affecting our young.

I am a family physician in private practice in a small community, Shelburne, and in my office practice I see the adverse effects of smoking. I am a reformed smoker. I am not very scientific about things like that. I can tell you any number of anecdotal stories--but I am sure you do not want to hear them--that it is not a good thing to do.

Mr. Allen: I very much appreciated Dr. Vanderburgh's presentation to us, especially since he represents an institution that has struggled so long for the health of our lungs. I suspect that the percentage of the population that there is who do not smoke and who are increasingly sensitive to the issue

rests on your organization's long propaganda and publicity around the whole issue of concern for the health of that particular portion of our body, which is so vital to our health.

I am puzzled by statistics that have been appearing in a couple of the briefs, and in your own, on the way in which the expenditures on tobacco products and the health and social cost consequences are correlated. Ms. Seto did the same kind of thing with slightly different statistics. Are your statistics Ontario-based or Canada-wide?

Dr. Vanderburgh: I suspect they would be national, but I would refer you to my health education staff person at the lung association. The statistics are about \$5 billion and \$3 billion?

Mr. Allen: Yes.

Dr. Vanderburgh: They are drawn, I understand, from this article, "Dollar Estimates of the Consequences of Tobacco Use in Canada, 1979."

Mr. Allen: This morning Ms. Seto quoted the Canadian Pharmaceutical Journal as indicating \$4.24 billion in expenditures, including the tax cost. On the other hand, the lost income, hospitalization costs, physician costs, etc., amounted to \$7.12 billion.

Dr. Vanderburgh: I am not familiar with those figures.

15:30

Mr. Allen: My point is not whether these apply to Ontario or to Canada as a whole. Would it not make more sense to add those figures together rather than to subtract them? You set them over against each other as though the one cost outweighs the other, as though the one expenditure were a social benefit.

This morning Ms. Seto likewise ended with a net loss to Canadians of \$2.7 billion. Would it not make more sense to view her \$4.24 billion in expenditure on tobacco products, or your own \$3 billion, as lost revenue, lost expenditure, lost resources, lost capital investment, lost all kinds of things to the whole country?

Dr. Vanderburgh: I am sure it would. It is like two faces on a coin. Another, more sceptical way you might look at it is, if the public at large did not spend the \$2 billion or \$3 billion on tobacco products as a noxious addiction, it would find some other noxious addiction on which to spend the same amount of money.

Mr. Allen: That is a pessimistic way of looking at it. Many people would find another way.

Dr. Vanderburgh: It is pessimistic, but if you add the two numbers together, there would be that much money that society could spend in a more fruitful area.

Mr. Allen: It represents lost human endeavour that is compensated for by those dollars to do things that are not socially beneficial. I just wondered why the readiness was to subtract rather than to add.

Mr. Chairman: Thank you, Dr. Vanderburgh. The next presentation is from Garfield Mahood, executive director of the Non-Smokers' Rights Association. Welcome. We are pleased to see you.

NON-SMOKERS' RIGHTS ASSOCIATION

Mr. Mahood: My name is Garfield Mahood. As has been pointed out, I am the executive director of the Non-Smokers' Rights Association, a national environmental health advocacy organization based in Toronto.

To put a handle on our organization, by way of background--it is probably not accurate, but it is interesting--the August issue of the United States Tobacco Reporter, the tobacco industry's major international magazine, called my organization one of the fiercest lobbies in the world. That is an exaggeration, but for 10 or 11 years we have been at the forefront of the tobacco problem in this country, specifically the environmental health problem associated with involuntary smoking or forced smoking. It is on behalf of my members in Ontario that I address the committee today.

I am sure you have heard from a number of witnesses that we have a health problem which affects both people with pre-existing medical conditions and the large group of Canadians who are discomforted by and who have symptomatic responses, headaches, tearing eyes, coughing, wheezing, etc., to secondhand tobacco smoke.

The special problems that are presented to Ontario residents who have the pre-existing medical conditions--and by that I am referring to allergies, asthma and cardiac and respiratory diseases--these special discomforts, were well known to the medical community, to the health community, seven, eight years or 10 years ago. That was well known.

What has happened in the past four or five years is that the medical evidence has become strong with respect to the risk of disease. For 11 years, we have been saying that secondhand tobacco smoke is capable of producing lung cancer in nonsmokers. It is only in the past four or five years that the studies have started to come forward at a rather rapid rate linking secondhand tobacco smoke to lung cancer.

What is not generally known--I was in a meeting with the publisher of one of the largest newspapers in Ontario a short while back who expressed real surprise--is that virtually all lung cancer is terminal. Virtually every time and in virtually every situation when a doctor passes on the message to a patient that he or she has lung cancer, the patient might as well go home and put his or her affairs in order, because the disease is terminal.

For 90 per cent of the patients, there is no cure; for the other 10 per cent, they are extremely lucky if they are cured, because in almost all those cases it is only because they were in for some other diagnosis or treatment and the illness was discovered by accident early enough to be treated. By the time symptoms are present, it is just about a death warrant.

This is kind of sad because according to Department of National Health and Welfare reports--this was in a study we obtained through access-to-information legislation--we have about 1,080 lung cancer deaths a year in this country that afflict nonsmokers; half are considered to be caused by environmental or secondhand tobacco smoke.

If we had 500 homicides or manslaughters caused by virtually any other source, we would have more than a ripple of reaction. Because the harm has been caused by tobacco industry products, it has been the general, usual ho-hum response. Some people are saying it is time for something other than a ho-hum response.

Incidentally, the National Health and Welfare study, which I handed out as part of our material, had as its forerunner a study done by the Environmental Protection Agency in the United States. A summary of that, as good a summary as I have been able to find, is the New York Times article dated November 3, 1984. You will find that in the US, the Environmental Protection Agency carcinogenic risk assessment concluded that 5,000 American nonsmokers a year are being killed by environmental tobacco smoke.

It is interesting. If you will look at the little table below it, you will find the lung cancer deaths caused by coke oven emissions, vinyl chloride, benzene and arsenic, by the industrial processes of these chemicals and products. If you add up the total number of lung cancer deaths caused by these industrial processes, you will find that secondhand tobacco smoke kills by far more people than are killed by the aggregate of all these other sources of carcinogenic risk in the work place. Remarkably, these other sources of risk are regulated by law; only secondhand tobacco smoke is not.

If you use the standard one-in-10 rule, which is customary in Canada in the medical community, you will find that the EPA study and the estimates of carcinogenic risks almost are parallel to the findings of National Health and Welfare. We think we are pretty well on the mark.

We have a health problem that discomforts people. We have a health problem that is a risk for people with pre-existing conditions. We have a health problem in this province that can cause terminal disease, that can cause death in two to five years, and usually faster than that, from inconsiderate smoking in the indoor air supply.

15:40

Before I look at Mr. Sterling's bill, I should point out it is very important to recognize that secondhand smoke is the most serious source of health threat to nonsmokers. That is because we live indoors for 90 per cent of the time in this climate. James Rapace has developed standards with regard to the amount of time spent indoors because we live indoors virtually all of the time. It is the most serious environmental air problem the average Canadian faces.

Fortunately, acid rain and some other sources of pollution, such as carbon monoxide from cars, are dispersed in the natural environment. Because this source of contamination is confined to a small area, it is a more serious health risk for the average Ontario resident than any other source of air contamination, excluding industrial situations where people are involved in industrial processes that create risk. For the average Canadian, this is by far the number one health problem.

When you look at a bill like this coming forward, all we can say is we would like to applaud Mr. Sterling for bringing forward Bill 71. It has generated a debate at the provincial level which frankly has been too long coming.

The debate is important. As part of that debate, it is also important to recognize that once the information comes out, it is clearly obvious that Bill 71 is not strong enough to deal with the problem. Bill 71 is seriously flawed, and it should be improved or changed before the provincial government would seriously consider passage. There is some work to be done on Bill 71.

I would like to briefly highlight some of the things we have raised in our brief. The most important part of this legislation deals with smoking in

the work place. Whether the Ontario government deals with this through a separate statute or as an occupational health hazard, I suppose the bottom line is whether the people of Ontario are protected in the work place.

What is very important--and we have suggested this in our brief--is that if you are dealing with smoke in the work place, as an example, you cannot undercut the standards that already exist in this country. You cannot undercut the precedents that have already been set.

When you look at the precedents, I refer you to the article that appeared on the front page of the Toronto Star on December 27, 1985. It was also in the December 26 and December 24 Globe and Mail and Toronto Star. This was all over the papers at Christmastime. It is the report of the 179-page decision by Walter Nisbet in the case of the Department of National Health and Welfare and the Treasury Board versus Peter Wilson. That decision has become the standard for smoke in the work place in this country.

If the federal government is unsuccessful in its appeal--and we believe it will be--the standard has been set by that decision. The best summary I have seen anywhere in print on the Nisbet decision is on the back of that clipping we have passed around. That summary says it all.

The standard that has now been set for smoking in the work place is one of two things: Either there will be no smoking in the work place or, if it takes place in the work place, it has to be in a separately ventilated lounge with the air supply exhausted directly out of doors.

I hasten to stress that in the Nisbet hearing they had international experts testify, including James Rapace of the Environmental Protection Agency in the US, who is a world-renowned authority on this subject. Rapace testified that to reduce the carcinogenic risk to an acceptable level, a level that is consistent with carcinogenic risk for other problems, you have to get the junk out of the air completely. You cannot recirculate it in the air supply. It has to be exhausted directly to the out-of-doors.

To show this is not an unreasonable standard, the Auditor General implemented this, as did the Department of Regional Industrial Expansion in its office tower in Ottawa. The Globe and Mail has implemented this standard, as has the Kingston Whig-Standard and a number of other Ontario work places, as you are no doubt aware. That standard has to be reflected in any revision of this legislation if it is to come forward for serious consideration.

Incidentally, about the points I raise here, I am just going to raise the two or three major points and let our brief speak to the remainder. For example, there are a number of hospitals that are now showing leadership in Ontario. They have this stuff well on the way to being out of hospitals completely. If you bring in a provincial statute which, in effect, undercuts what the hospitals should be doing on their own initiative and the standards which some of the hospitals have already implemented, I think you do a disservice to the rights of patients to have a smoke-free environment in a health care setting. There is no point permitting smoking in a hospital room when the junk is simply picked up into the circulation system and presented to people in the next room or on the next floor. That does not make any sense.

There are a number of inconsistencies within this legislation which should be addressed. As our brief points out, the standard has to be either that there are clean indoor standards which are met or that the secondhand tobacco smoke has to be exhausted out-of-doors.

If I had presented this position eight years ago, because of prevailing standards of the day, I might have been accused of presenting unrealistic expectations to the committee. Fortunately, times have changed and now what we are asking for with respect to this legislation is nothing more than has already been given to patients under some municipal bylaws in this province. It is nothing more than what federal civil servants who work in this province will have. It is nothing more than what bank workers who are regulated by the Canada Labour Code have. We are asking for nothing more than those reasonable standards of health.

There are some benefits--and I want to leave some time for questions--if this legislation is improved and brought forward. The number one benefit is the health benefit, but let me deal with the economic benefits first.

There were a couple of questions raised of the previous presenter with respect to the economics of the tobacco issue. If people would like to present that question again, I would be more than willing to take a crack at an answer on that one.

There are some economic benefits. The industry is considered to be the source of a loss of something in the neighbourhood of \$8 billion a year in this country. That is not the figure you heard before, and I will be more than pleased to explain where that figure comes from. If we get control of this problem, there will be a lot of money around for the hard-pressed health care system and there will be relief for other sources or other pressures which are currently placed on the provincial government for limited provincial funding.

The second thing is--and with this I would like to conclude my presentation--that people bring forward laws and they frequently think in terms of bringing forward a law to correct some form of behaviour, to provide a sanction or relief. That is a very limited and a very conservative interpretation of the purpose of law.

There is a much larger purpose of law. Frequently, governments go forward to change behaviour and to suggest with that law that society should be moving in a different direction. That is a much more progressive interpretation of law. I would suggest that what society should be trying to do is to point society in the direction of the nonsmoking norm. This is probably the most important approach, the most efficient approach, the most cost-efficient approach the government could produce in making Ontario a nonsmoking society. It is extremely important.

15:50

What would be the benefit? Ladies and gentlemen, the 1983 United States Surgeon General's report estimates that tobacco industry products will kill 24 million US residents currently alive from coronary heart disease alone. I can show you the precise page and the quote: 24 million. If you add in the statistics from the 1982 US Surgeon General's report on cancer and the 1984 US Surgeon General's report on chronic obstructive lung disease, you will find the estimates are that tobacco industry products will kill--not just two months early, not four months early or four years early but somewhere between six and eight years early--more than 40 million US residents currently alive, with a substantial lop off the life expectancy.

Officials in the Department of National Health and Welfare, using the same extrapolations, estimate that tobacco industry products will kill prematurely more than four million Canadians currently alive. You can figure

it out by the rule of thumb: Take about a third of those for Ontario. We are talking about 1.4 million Ontario residents who will die prematurely at the hands of this industry's products--and for the sake of how many farmers? You can figure it out.

What I am saying to you is that the purpose of law is to point society in a different direction in many cases, and this is one of the most effective ways of changing the social norm. In the process, you bring one heck of a lot of relief to the majority of your population.

I might add that all of you can read the polls. The polls show that this is very popular in political terms. This would not be happening in municipality after municipality if people did not want these measures to take place. You have a political decision that is very popular and that for health reasons is very necessary.

Thank you very much for listening to my presentation. I am sorry I did not leave more time for questions, but I invite them now.

Mr. Sterling: I thank you for taking the time and effort to read in detail and go over Bill 71, and I thank you for the advice in the past of Mr. Sweaner, your solicitor and counsel. I look forward to receiving more advice in the future in relation to amending this bill to make it a better bill.

Mr. Mahood: Incidentally, David is off to Nairobi to make a presentation in Africa to the International Union Against Cancer. He had to catch a plane on short notice, and that is why he is not here as part of this presentation.

Mr. Sterling: I am sure the government of the day will want to send me on the same trip shortly. I do not know for what reasons.

At any rate, in going through your brief, I appreciate that some of the points raised are points that other groups felt were not strong enough in the legislation and have a political aspect in terms of how strong or weak you make a particular part of the legislation. I would appreciate your co-operation in bringing forward a number of amendments. I am quite willing to be very open-minded with the committee as to how far the members take the piece of legislation in terms of fines, enforcement or whatever.

I will ask you two questions. One is on the enforcement part of it. There has been some discussion about the enforcement. Do you have any suggestions for the committee or do you have enough knowledge to suggest what branch of the government or police force, or whatever, would be appropriate for the enforcement of this kind of legislation?

Mr. Mahood: We have had problems with municipal governments, but not with enforcement. I want to separate that. We have had problems with municipal governments because people have not been certain which department in a municipality is responsible for enforcing the bylaw. I am open to suggestions on that, but I am not going to make a suggestion.

I would like to point out that these laws are largely self-regulating. If the laws are posted as we have suggested in our critique of this bill and if the signs are posted the way they should be posted, then the vast majority of smokers will comply willingly with the law. In that sense, the trick is to get the signs up, and certainly with a provincial statute the signs would go up. At that point it becomes largely self-regulating.

The few prosecutions that would be required to make this work I think could comfortably be made by the police force. I see no reason why complaints could not go through that department. I want your suggestions in that regard and the suggestions of people who have more experience in this field than I do. David might have had a thought on that, but I would not like to venture something.

Mr. Sterling: One of the problems with any new legislation that is still in its infancy, even though there are some jurisdictions in the US that have tried to legislate in this area, is to define things clearly. I would appreciate any kind of assistance you or Mr. Sweanor might give me.

In terms of the greater rights to patients and your comments in relation to municipalities, the rationale behind the structure of the bill was to provide a base and then to permit both the hospital and the municipality to have stricter, if you want to call it that, nonsmoking bylaws above and beyond what was provided in provincial law. We wanted to make it very clear that the jurisdiction was there for them to do it and that in doing it, there would be no comeback by a smoker in terms of being sued for not having the right to smoke in a particular area.

While I might personally feel for your position, if we were to say there was no smoking in all hospitals across Ontario tomorrow, I do not know whether that would be accepted by every member of the committee or by the Legislature or by the medical profession. That is why I have approached it this way. I also take some defence in terms of the drafting and the structure, in that a private member does not have the same kind of resources as someone else has.

Notwithstanding that, the general feeling of other people has been that they would rather have some right existing in law and that there will be some learning curve that will take place when such a law such is in place. It may take some time to iron out all the things in practice as well as in theory. We can talk all we want and try to use other experience, but sometimes we need first-hand experience to put it in place.

16:00

Mr. Mahood: Our position has always been--when we proposed laws at the municipal level that did not address the problem, our reaction has always been that such laws are harder to deal with than no law. If you have no law, the public pressure for the law is still there. As soon as you bring forward a law that does not meet the standards of science at the time, the municipalities can slough off their responsibilities, and a number of things happen.

We also know you will invariably have as much of a political fight to bring forward a decent law as you will to bring forward one that does not meet standards. People do not differentiate between something that goes only halfway down the road and something that gets you almost to your objective. They will provide just as much opposition for the substandard law as they will for the thing that does the real job.

We are simply saying that with the standards available at present--to use an example, hospitals are under pressure from their own association to do something about this problem. My gosh, if we cannot provide proper health standards when the leaders in that community are doing it, and if we cannot provide the standard in a health care setting, where people should not be exposed to any kind of health risk, let alone a carcinogenic risk, where can

we start to deal with this problem? The hospitals are the first place to go.

In our view, if the province wants to map out a path to bring forward legislation, it will involve a public education campaign and public debates. Your excellent initiative and the tremendous work you have done to bring forward public support and raise the level of consciousness can be expanded upon, and there is no reason this province cannot bring forward legislation such as that of the state of Minnesota.

We are not backward in this province. We probably have a more enlightened population with respect to this issue because of what has been going on here for 10 years than in any American state where this has been brought forward. There is no reason for us to have smaller capacity to bring forward thoughtful legislation. There is no reason we cannot do it here.

Ms. Hart: State of Minnesota; that is the first time I have heard about that. Does it have what you consider to be model legislation?

Mr. Mahood: Yes. Its Clean Indoor Air Act has been in place for more than 10 years, and it is referred to as the jurisdiction that has more experience with this kind of legislation than probably any other in the world. In a state statute it gives its employees the right to a smoke-free work place. The medical evidence has developed even further since Minnesota took its initiative, and I suspect if Minnesota could do it 10 or 11 years ago, we sure as heck can do it in 1986. Either that or we in Ontario are slow learners.

Ms. Hart: That may be. You cautioned us not to undercut initiatives that had already been made, and you suggested several groups of institutions where they have been made, such as banks. Was that a private initiative?

Mr. Mahood: Well, the initiative taken by Peter Wilson under his contract with the federal government called into question carcinogenic risk in the work place, and with the new amendments going forward he has won a right to a nonsmoking work place for all federal employees.

With the new amendments under the Canada Labour Code, the initiative Peter Wilson has taken will in all probability expand to all federally regulated work places under the Canada Labour Code, and that brings in every bank in this country, all the railway workers and all CBC workers. That is a big group of employees. More than one million employees will probably have a right to a smoke-free work place as soon as this appeal to the Federal Court of Canada is dealt with by Treasury Board. That assumes my sources are correct when they say the federal government will not win that appeal.

Ms. Hart: There is one little technical thing. Do you quickly have the citation of the first level in the Wilson case? Is it the Federal Court of Canada trial division?

Mr. Mahood: No. That was an arbitration ruling. As a matter of fact, I can give it to you right here. It is the Public Service Staff Relations Act before the Public Service Staff Relations Board between Peter Wilson and the Treasury Board on behalf of, ironically, the Department of National Health and Welfare, before Walter L. Nisbet, deputy chairman.

Ms. Hart: Perhaps you can help me because I am a little late to this issue. When you say amendments are going forward under the Canada Labour Code, are you talking about amendments to regulations or amendments to the code itself?

Mr. Mahood: Amendments to the regulations under the code; they were passed. I believe they were brought into place late in spring 1986.

Ms. Hart: Do you by any chance have the number?

Mr. Mahood: No. But I will be more than pleased to give your office a call and give you that reference.

Ms. Hart: There is just one other area I want to canvass with you. I believe you talked about the Ontario Hospital Association having a policy about smoke-free hospitals. Perhaps I read too much into what you said.

Mr. Mahood: I think you will find it. I would want you to check with the Ontario Hospital Association, but I am aware that hospitals have been under pressure from the OHA and they have been under pressure to deal with this problem in hospitals by the licensing body that normally gives hospitals accreditation.

Ms. Hart: I guess we can check that out.

Ms. Bryden: I would like to congratulate Mr. Sweanor--

Mr. Chairman: Mr. Mahood.

Mr. Mahood: Garfield Mahood.

Ms. Bryden: I am sorry; my eyes fell on the wrong name.

Mr. Mahood: David deserves some compliments. He is outstanding. Anyway, go ahead.

Ms. Bryden: Your organization has been in the field of advocacy on behalf of better legislation for a good many years. I have forgotten when you started.

Mr. Mahood: It was in 1974.

Ms. Bryden: At the moment you still have only 4,000 members living in Ontario of a population of about nine million. Do you do a lot of promotion of membership? What does a membership cost?

Mr. Mahood: Our membership fee is fairly substantial. It is \$20 a year; so we get serious people joining us.

I should point out that my background in public issues was with the Canadian Environmental Law Association as executive director. I worked closely with a group of people at Pollution Probe who, as I understand, actually cut their membership because they found out that large memberships frequently inhibit getting the job done. You spend all your time servicing your membership.

We have never put great emphasis on raising our membership. It would be a real disservice or it would be inaccurate to assume that the strength of public opinion on this is proportional to the size of our membership. Because we have de-emphasized membership, that is one of the strengths as far as we are concerned with respect to our advocacy work. I think that gives us the freedom to do the job we were set up to do: to get to the root of the tobacco epidemic.

Ms. Bryden: You make a good point. We certainly need advocacy groups that will not only arouse people's attention but also criticize a bill such as this. This is what we are inviting by having public hearings on this.

All of us are probably finding that some of the suggestions are quite useful. You are very critical of the bill because you feel it does not go far enough. Perhaps that is an important point to make to the public. Have you publicized the figures you gave us at the end of your presentation, that 40 million Americans, four million Canadians and 1.4 million Ontarians will die of tobacco-related diseases? Those are startling figures. If a lot of people realized that, they might be not only pressing for the passage of this bill but also flocking to your membership.

16:10

Mr. Mahood: First, those figures were initially presented to the Honourable Jake Epp in a meeting earlier this spring. He is aware of them. His staff have confirmed that the figures are accurate and in fact an underestimate. They are well aware of them. Sadly, there are a lot of things with respect to the tobacco issue that the public is not aware of.

One of the things we have been effective in doing is getting these issues on to the front pages of the newspapers for public debate. Certainly, they are figures we will be stressing for some time in the future. Once we have worked up the expected mortality, you bet we are going to talk about it.

Ms. Bryden: The committee might also consider it worth putting in our report. I do not know. We have not written our report. Thank you very much.

Mr. Mahood: I would be more than pleased to present the footnotes and what not that would be required to substantiate those numbers.

I should have mentioned that the loss figure from the tobacco industry now is more than \$8 billion a year. The way they used to handle the economic loss or the assessment of the economic benefit of the industry was to take the total amount of money spent on tobacco and subtract the cost. The tobacco industry every year would trot out figures, ostensibly presented by Peat Marwick; they would get front play in the newspapers, saying the industry brought \$3 billion worth of benefits and half of that was in taxes. They used to and still do promote the myth that the industry is good for the economy.

What should have been brought forward by responsible health ministers and responsible health agencies of the day was the standing committee report of the House of Commons, the great and very in-depth study of the tobacco industry that took place in 1969 and 1970, referred to as the Isabelle report. If they looked in there, they would have seen the answer to the nonsense being presented by the tobacco industry that it is good for the economy.

First of all, tobacco taxes have always been half the figure. If the industry claims that it brings \$4.5 billion or \$4 billion worth of benefits to the economy, roughly half of that is taxes. Immediately, the taxes should be walked off the industry estimate of the benefits, because taxes create no real wealth. Any economist will tell you it is simply a transfer payment and should not even appear in the equation.

If the government spends the tax money, it creates a certain number of jobs. However, if the individual taxpayer, who happens to be a smoker, decides to stop smoking and spends that \$1,000 or \$1,200 a year he spent on tobacco

and circulates the money in the economy, he creates the same number of jobs. In fact, some people hold--I would not be so brassy--that might even create more jobs than the government. That money circulating in the economy, which is normally marked for taxes, is not new wealth and should not even be in there.

That leaves the \$2.5 billion that goes to the tobacco farmers. Very little goes to the tobacco farmers, as the manufacturers well know. Some of it goes to the farmers, and some of it goes to the manufacturers. However, that particular line of work is highly automated. If that money did not go to tobacco, the industry creates the impression that the money would be lost on the economy, but in fact the money would be spent on recreational equipment, tennis rackets, restaurants and a whole range of goods and services which, by and large, do not kill people. You have a situation where the money would not be buried in somebody's sock; the money would circulate in the economy.

The only thing that is left is the \$8 billion a year required to service the health care institutions, the physicians, the lost productivity, the absenteeism, the excess mortality and all the other nice things associated with this industry. The downside then is \$8 billion a year, not the difference.

The foremost authority on this in Canada is probably Neil Collishaw. His paper was referred to by the last speaker. If the committee would like to have affirmation of that statement, I am sure if you gave Neil Collishaw a call, your researchers could come up with substantiation of the fact that the \$8-billion loss figure is more than fair. Tell Mr. Collishaw that Mr. Mahood and Mr. Sweet have put forward that figure and that is how they arrived at their statements. I think you will find we are dead on the mark. You are dealing with a loss in today's dollars of probably in excess of \$8 billion, a third of which could be allocated to this province.

If you divide that loss by the total number of tobacco farms, you will come up with a figure that is so large you could buy the farmers out at the price of getting control of the tobacco problem in this province. If the ransom that has to be paid is to buy the farmers off their properties--and I am not suggesting that--but if that is the ransom that has to be paid to deal with an estimated four million lives lost in this country, there is money in the economy and there would be money freed up in the future to pay the ransom. Let us just get on with doing whatever is necessary to solve the problem. The loss is horrendous in economic and in health terms.

Mr. Chairman: We will now hear from the Ontario Public Health Association representatives, Dr. Trevor Hancock, John Garcia and Ralph Stanley.

ONTARIO PUBLIC HEALTH ASSOCIATION

Dr. Hancock: My name is Dr. Trevor Hancock. I am the president-elect of the Ontario Public Health Association and chairman of the association's public policy and resolutions committee.

I have with me John Garcia, who is our tobacco policy co-ordinator, and Ralph Stanley, who is also on our public policy and resolutions committee. Mr. Garcia is a health educator and health planner. Mr. Stanley is a public health inspector. I am a public health physician.

The Ontario Public Health Association is an organization of public health professionals in Ontario and the Ontario chapter of the Canadian Public Health Association. We have a membership of some 700 people, multidisciplinary, as you can see from the three of us.

Our major purpose is to work for the elimination of all preventable causes of death and disease in Ontario. We are essentially in that way, first, a public interest group and, second, a group that services the needs of our members with respect to public health education and to training.

Of those preventable public health problems, the number one problem is tobacco smoking. Tobacco is our number one public policy priority now. Our approach to the tobacco issue is a comprehensive one. We believe there are a number of measures that have to be taken, not just legislation, such as we are discussing here today, but also a policy with regard to the pricing of tobacco with regard to, as Mr. Mahood said, the phasing out of the tobacco industry in Canada and, of course, education, community organization and a whole realm of approaches.

Today, of course, we are talking about legislation, and we would like to commend Mr. Sterling for his initiative in bringing forward this bill and in bringing forward this issue to the eyes of the public. Mr. Garcia will present our comments to you at this point.

16:20

Mr. Garcia: I believe you have a copy of our submission, so I will not read it to you. I think you are quite capable of doing that yourself. I will simply highlight some of the key points in the paper. Many of the points have been made by other speakers before me, so I will not dwell on that. I have some new data on public opinions that I believe you may find interesting and illuminative.

Tobacco, as Dr. Hancock has indicated, is the leading cause of preventable ill health in our society. According to Department of National Health and Welfare estimates, some 30,000 Canadians die prematurely every year as a result of tobacco use. Today, as we are sitting here discussing the problem, 80 people will die not only from lung cancer but also from many other causes. It is an immediate issue that needs to be resolved. It is a drain on our economy.

I have presented some summary statistics from the Metropolitan Toronto District Health Council report on tobacco use costs and benefits in Ontario in 1979. Likely, those estimates are conservative based on what Mr. Mahood has indicated, and a good case could be made for adding the two numbers together rather than subtracting them, but it is clear the costs are great.

There is no question today that environmental tobacco smoke is hazardous. It is known that there are more than 3,800 chemicals in tobacco smoke, more than 50 of which are known to be human or animal carcinogens. We know from the data that one in five Canadians has health conditions that are exacerbated by exposure to ambient tobacco smoke. Evidence is clear from a number of sources, including Health and Welfare Canada, the Ontario Council of Health Task Force on Smoking and Health, the Ontario Medical Association, the United States Surgeon General's Office and the Ontario Ministry of Labour.

I am sure you are aware of the Ontario Ministry of Labour report that recognizes the health effects of involuntary exposure to secondhand smoke. They conclude that 63 per cent of nonsmokers are passively exposed to smoke in the work place and 86 per cent are exposed in either the work place or the home. We would argue that counting smokers and nonsmokers in public places, we could conclude that everyone in Ontario is a smoker and is exposed to risk caused by secondhand smoke.

There are a number of conclusions that the ministry has made. They acknowledge there is little doubt about the irritating and annoying effects of secondhand smoke. The evidence also appears quite convincing for the exacerbation of some symptoms of diseases caused by passive smoking. The evidence on the health effects caused by exposure for children, such as chronic coughing and increased rates of acute respiratory infection, is very clear. While they have concluded the evidence in adults is a bit more equivocal, on balance it does favour the occurrence of such changes and there is increased risk of cancers. They recommend that long-term exposure to secondhand smoke in the work place should be minimized or avoided.

The public health association is disappointed that the Ministry of Health and the Ministry of Labour have neglected this issue and have not moved as quickly as we would have liked and as quickly as the issue demands. The public health association has strongly urged both to take action.

One point that I believe Mr. Mahood made which needs to be underlined is that there is no safe level of exposure to tobacco smoke. Health and Welfare Canada staff have reviewed the literature on health effects of secondhand smoke and the composition of secondhand smoke. To establish a threshold limit value--that is, an air quality standard for tobacco--they have concluded there are no known accepted levels of exposure to tobacco smoke; that is, the complex mixture of gases. They further conclude, "For several of the components in tobacco smoke, the recommended exposure limit is either zero or not assigned, suggesting that there may not be a safe level for involuntary exposure to tobacco smoke." This does not consider the synergistic interactions among components of the gas and the particulate. Given these conclusions, only zero-level exposure should be acceptable.

I would like to make a few comments concerning the implementation of restrictions on smoking. It is our view that further restrictions should be successful. Public attitudes are in favour of further restrictions on smoking. In 1984, researchers from the University of Western Ontario's Department of Epidemiology and Community Health, and from the University of Toronto, conducted a public opinion survey of voting members of the public in Ontario. The results were very favourable. For example, with regard to restrictions on smoking in the work place, approximately 80 per cent were in favour of either not permitting smoking at all or permitting it only in restricted areas. With regard to this and other settings, it was always clear that a strong majority of Ontario residents did favour restrictions on smoking.

I can provide a copy of the study or Dr. Pederson could provide a copy of the study to you. In fact it was funded by the Ontario Ministry of Health. They asked questions of respondents as to what degree of restrictions should be permitted in various settings. On city buses, for example, 80 per cent said it should not be permitted at all; and 14 per cent did not think there should be further restrictions. In schools, 67 per cent indicated it should not be permitted at all and 31 per cent indicated that it should be permitted only in restricted areas. The evidence is clear from the survey that there is a very strong majority of Ontario residents of voting age who wish further restrictions on smoking in various settings.

The issue of compliance among smokers is one that is interesting. One role that legislation plays is to codify values that already exist in our society. From the survey we can see the values are already in place to accept the legislation. There is considerable support for further restrictions. Legislation really does serve to create environments which are conducive to healthy behaviour and based on the experience from various municipalities, one

can expect that when smokers are aware of the law and their responsibilities under the law, they will comply with the law. Non-compliance is an exception rather than the rule. For example, little if any smoking occurs on local transit systems where it is prohibited. The issue is to get the signs in place so people know where smoking cannot be permitted.

I have a few comments on the bill. The objectives of the bill are laudable: to protect the health and rights of non-smokers and to set positive examples for young people to discourage smoking are well worth pursuing in the light of the major health, social and economic consequences. Mr. Sterling has recognized this and acted in the public's interest in advancing the bill. However, a number of concerns with the bill must be raised.

The first concern is that we believe that all work places should be covered by the act. The act would define enclosed public place to include office buildings but does not make reference to work places which would be included under the act. The condition is that the Lieutenant Governor in Council would be given the authority under the act to define work place. It is the view of the public health association that this authority for definition of the work place should not be given to the Lieutenant Governor in Council and rather under the definition all work places should be considered under the definition as enclosed public places and be subject to the provisions of the act.

The second point that we raise here, number 3 on this page, is that smoking should not be permitted in open public areas, given zero level exposure as the only acceptable level. We feel it should not be permitted in open public areas and furthermore physical barriers are simply inadequate to reduce exposure since they permit the wafting of tobacco smoke to common areas. If smoking is permitted at all, we believe it should be permitted only in separately ventilated areas that are exhausted to the outside. This would provide for smoke-free open public areas with zero exposure to tobacco smoke.

Signage requirements are significant and important. As I said, compliance can be expected to the extent that people are aware of their responsibilities under the law. They provide the medium to communicate to smokers and young people that smoking in public is unacceptable. Many examples do exist in current municipal legislation and from the Minnesota Clean Indoor Air Act which could be used in further drafting of the legislation.

16:30

We also believe fines should be meaningfully large. In our view, a fine of not more than \$100 is inadequate. Noncompliant proprietors may not be adequately motivated to implement the act if such small fines are put in place. In most municipalities that have smoking control laws, maximum fines of \$1,000 or \$2,000 are not uncommon.

Finally, those responsible for enforcement and promotion should be specified in the act. Agencies responsible for promotion and enforcement of the law should be identified. Without their role being specified, we can hardly expect smokers to know what their responsibilities are.

In conclusion, the Ontario Public Health Association supports the objectives of Bill 71 and lauds Mr. Sterling for his work. Legislation to control tobacco is sorely needed in this province. The voting public is strongly in favour of further restrictions and, given the experience of municipalities, compliance with the act should be expected.

While we are supporters of the objectives of Bill 71 and the need for legislation, a number of concerns about the definition of terms, acceptable signage for smoking areas and responsibilities under the act have been raised. We strongly urge you to move quickly to implement the Non-Smokers' Protection Act and to consider points raised in our submission to increase the chances of the act attaining the stated objectives. If we can be of further assistance, please call on us.

Ralph, would you like to add anything?

Mr. Stanley: I thought we would open it up for questions and, if there are not too many, I could add a few technical points.

Ms. Hart: Perhaps it is not fair to ask, although I missed my chance in talking to Mr. Mahood, but you did mention the Minnesota legislation. It was mentioned to us earlier that legislation had been in force for 10 years. Do you know of or can you direct us to any studies about the health economics in these 10 years? Has the state of Minnesota noticed any difference in its health costs in that time? Have any studies been done on that?

Mr. Garcia: I am not aware of the evidence, but I hope it exists. It may be difficult to separate the effectiveness of that piece of legislation in isolation. Minnesota has been very progressive in smoking control issues, and the public health association certainly does believe a comprehensive approach is needed. Minnesota introduced an omnibus nonsmoking health act in 1985 which is also worth looking at. There have been many other activities, most notably around the Minnesota heart health project, which also affected smoking rates, smoking health education programs, for example.

Ms. Hart: I was interested because we were directed to some very large numbers in terms of health costs. It would be fascinating to see whether the comparable numbers had changed, even if you take the two or three types of disease that appear pretty conclusively to come directly as an effect of smoking.

Dr. Hancock: The mortality rates from cardiovascular disease in many western countries have declined substantially in the past decade or so. That is attributed primarily to a combination of reduction in smoking--because smoking has declined substantially, although nowhere near enough, in the last decade or two--and such factors as better control of high blood pressure and dietary change and, to some extent, coronary care, but that is very much a minor factor.

It is a combination of all these measures that has an impact, but the combination of measures does have an impact. Cardiovascular mortality rate in Toronto has declined among males and, to a lesser extent, among females by 25 to 30 per cent in the past decade or decade and a half. Lung cancer rates in men are about stabilized now, but they have increased substantially in women, because women have taken up smoking in a big way since the Second World War. Either next year or the year after, lung cancer will overtake breast cancer as a cause of death in women.

Ms. Hart: I guess what is passing through my mind is that we cannot take those figures at face value. We would have to do a lot of digging behind them before we would have a sense of what kind of effect this legislation might have.

Dr. Hancock: I do not think you would ever readily isolate the

single effect of one bit of legislation from what is a whole panoply of attacks upon the problem. It is the cumulative effect of all those different measures that has the impact.

Yesterday we were speaking at the Liquor Licence Board of Ontario hearings in Hamilton, and much the same issue came up. In a sense, the question was, "Does putting beer and wine in the corner stores really matter?" That alone may not, but that plus all the other things that happen makes a difference. The important thing is the interplay of all the different things, and this bill is an important measure as part of an overall program of smoke control.

Ms. Hart: Thank you.

Mr. Sterling: In putting this bill forward, I am not so concerned with the economics of the situation. I believe it is important in some ways to prove that we need further regulation of society. That is probably one consideration, but I prefer to take the position you have, Mr. Garcia; that is, it helps to forge a societal attitude towards smoking. I think we have such significant evidence of the number of people who are suffering in our province because of smoking that this bill not only protects nonsmokers but also, as you said, sets a norm for not smoking for the whole society.

I appreciate all your suggestions, and when the committee is considering the bill clause by clause I hope to present each and every one of those in a forum. The choice will be up to the committee whether it wants to strengthen the bill in particular areas.

My initial reaction was to make Bill 71 stronger than it was when I produced it in December, but I was trying to produce a very basic document and work up from there to gain support. I was trying to appear to be as reasonable as possible. I come into contact with a lot of people who feel very strongly about this issue, and we have to remember to be practical as well, in the long run, when we are drafting a bill.

There is one area in which I would like your advice. I have heard people talk about the enforcement issue. They say it should be more specific. I do not know whether you have any expertise through your organization to recommend who the individual responsible for enforcement should be. Should it be the medical officer of health, the police or the Minister of the Environment (Mr. Bradley)?

Dr. Hancock: I will respond briefly and then I will ask Mr. Stanley to respond in more depth. In the municipalities, for example, in Toronto, our public health inspectors are involved in enforcing bylaws such as smoking in restaurants and public places. Public health inspectors have a great deal of experience in enforcing legislation, not only smoking legislation but also a whole range of other legislation under the Health Protection and Promotion Act. If you wanted to look for a home in which to put the legislation, that would be an obvious place to look. We are already involved. Perhaps Ralph would like to expand on that and to talk about the San Francisco experience.

Mr. Stanley: I heard the smoking ordinance talked about earlier by Mr. Mahood and yourselves with respect to the Minnesota Clean Indoor Air Act. I do not know whether you have heard anybody talk about the San Francisco approach. It has been a model approach that has been available, and I guess it was considered by the city of Toronto when it was looking at some of its legislation.

They tried to assess the effectiveness of the program of the implementation of their ordinance based on the number of complaints they received after the ordinance was put forward. I am quoting from a letter from an inspector in San Francisco, which confirms that the number of complaints they received after they implemented their work place bylaw was, on the average, approximately 10 per month.

This bylaw is based on the nonsmoker's rights. When a nonsmoker complains, the rights of that individual prevail in that situation. They found that this very low-level volume of data and implementation of the ordinance in San Francisco was really to do with the media publicizing it. It was mentioned a little earlier that it is very important for the media to publicize figures attributed to problems. They found that the media were very helpful in publicizing it, and it helped police itself in essence.

16:40

Mr. Sterling: I guess what I am looking for is you have to get out of the realm of what has worked there and what has worked wherever. You have to put a section in the act to say this particular agency shall have responsibility for it, should it be the Ministry of Health or whatever. Is that what you are telling me?

Dr. Hancock: Yes. I think that we have experience (inaudible) enforcing bylaws and legislation related to health problems and health hazards. Under the old act, it was called a nuisance; now it is called a health hazard. We are involved in that all the time. It would be a very suitable place to put it. Ralph will tell you that as long as you give him the staff, but the experience in San Francisco is that it does not require much staff. It is a self-enforcing piece of legislation.

Mr. Sterling: In terms of the work place, would the Ministry of Labour or the Ministry of Health enforce it?

Mr. Stanley: The lead agency in Ontario in reference to the work place is the Ministry of Labour. However, in certain situations we would have some input into that.

Dr. Hancock: I can give you a concrete example of that. We have recently been investigating a government agency. We had a complaint about secondhand smoke in an office setting. It was jointly investigated by the Ministry of Labour and ourselves. I work for the city of Toronto Department of Public Health. We assumed the lead role with respect to assessing respiral, suspended particulates, which we think are the best indicator of secondhand smoke. The Ministry of Labour took a secondary role in supporting our investigation. We can co-operate, but already we have a precedent there with the health units being involved in those work place settings.

Mr. Stanley: If you look at public places, the public domain--and let us face it, that is basically the intent of the bill--under the Health Protection and Promotion Act, under the auspices of the medical officer of health and via the health inspector, it is the responsibility and the domain of the medical officer of health to protect the public's health in that environment.

Mr. Garcia: The subcommittee should also be aware that there has been in this province a problem of chronic underfunding of public health departments with delivery of service as well. Hospital programs have been

funded 100 per cent; there is a 75:25 split on public health expenditures. There would be no problem for local boards of health to implement this law, provided they were given sufficient resources to be able to implement it. In view of the magnitude of the problem, given that it is the leading cause of preventable ill health in our society, and that health promotion and disease prevention are stated priorities of the Minister of Health (Mr. Elston), I hope that will not be a problem.

Ms. Bryden: What you have just said is that local boards of health might do more in implementing any bylaws if they had the resources. We heard a complaint earlier from another witness who was a lawyer who had done some prosecutions in this area. When a person complained that there was no protection against secondhand smoke in a public place, he was told by the board of health that it was not a hazard. Apparently, they were not prepared to get in and help him win his case if he wanted to go to court on this. How do we get the boards of health to consider that tobacco is a hazard?

Mr. Garcia: Mandate it by law.

Dr. Hancock: There is another element to that too, and it is one that we have addressed as an association. I agree with you. I think there are still problems out there, even among our own peers and colleagues, in recognizing this as the problem that it is. Particularly the issue of secondhand smoke as a cause of death is relatively new, and we still have some work to do.

For example, when Mr. Stanley was chairing the environmental health division of our association two years ago, he put on a workshop on secondhand smoke for public health professionals in the work place. It was a very well attended workshop. There is an educational job to be done, not just with the public but with professionals as well.

Mr. Sterling: Was it Mr. Eisen?

Ms. Bryden: Yes. It was Mr. Eisen who was speaking on that.

Mr. Sterling: He was talking about smoking in the work place at that time, was he?

Ms. Bryden: No. There was a complaint that there was no nonsmoking area in courtrooms. On that I think we went to the medical officer of health, who said he had no jurisdiction.

Mr. Garcia: Yes.

Mr. Sterling: When we were talking about the hazard, was it or was it not getting into the area of the work place? I am sorry to interrupt, but I just want to be fair to the--I think that is where it was.

Mr. Chairman: I think Mr. Stanley wants to elaborate on that.

Mr. Stanley: Yes. I want to hit home on the health significance. A lot of health professionals went to our seminar in 1985 with the anticipation that there is a safe level in the work place that one could go in and test for. I also went in there with that impression. After hearing a lot of professionals who were speaking there and a lot of the expert studies that came out, I learned there was no safe, practical level that one could test for. The conclusion that came out of our one-day seminar was that there is no safe level for exposure to secondhand tobacco smoke.

We mention in our brief that there are 3,800 different chemicals and 50 carcinogens in the smoke. It is a very complex mixture. The experts have broken down that mixture and found there are chemicals in cigarette smoke that are human carcinogens for which there is zero risk, according to the TLV book--the threshold limit value book, which is used by industrial hygienists in industrial settings. That simply means one should not be exposed at all to these chemicals in tobacco smoke. If you are interested, I could give you the chemicals. That came out of the session and really hit home. It told us there is really no safe level for exposure.

Ms. Bryden: The Health Protection and Promotion Act was supposed to be a new approach to preventive medicine, but I do not think there is any specific role given to medical officers of health or public health officials to fight the effects of tobacco. Is there? I have not studied the actual working of the act.

Dr. Hancock: Our investigation I was referring to in the city of Toronto was done under that act. The problem you run into is that municipal bylaws do not apply in settings such as the courts, because that is crown property. The Health Protection and Promotion Act does; it binds the crown in the right of Ontario. Incidentally, that was new. It was not the case under the old Public Health Act, which did not give the medical officer of health any right of entry to crown properties. Of course, it still does not to federal crown properties.

It is only in the past year or two that we have had any opportunity to go into provincial settings. That is only under the act and not under municipal bylaws. This would give us more authority to do that. We are beginning to use that act in investigating secondhand-smoke complaints, but this is one thing that is very open to interpretation.

As the act is written, sections 11 and 12 refer to the medical officer of health having the right or duty to keep himself informed on occupational health issues and to investigate complaints in conjunction with the appropriate ministry. These are ambivalent sections of the act. Something such as this would be much more specific and give us much clearer direction. I think you would see the medical officer of health feeling much more comfortable now and being able to step into those settings to do something about it.

Ms. Bryden: Perhaps our committee should ask that that act be looked at as to whether some of the areas where there is ambiguity can be clarified on how much action can be taken by MOHs and other public health officials.

16:50

Mr. Reyecraft: Dr. Hancock, I would like to go back to something you said in response to Ms. Hart's question. You stated that you saw this type of bill as being one step in a series of attacks on a larger problem. Given the fact that the goal of your association is the elimination of all preventable health problems, is it your view that the final step in that attack would be a complete prohibition of the use of tobacco products?

Dr. Hancock: I think that prohibition is not a tactic that works well in this society. We saw that in the 1920s and 1930s with alcohol in the United States. I see no reason that it will work here, nor do I think that is the best strategy.

Tobacco is something that was so widely accepted 10, 15 or 20 years ago that it was the norm. It is not the norm now, but I do not think society is ready to accept prohibition. I certainly would not advocate it. I think there are other ways of dealing with it that can have the same effect. We can move towards a smoke-free society. Prohibition would only result in smoking going underground, the black market and all types of things that I would not want to see. I do not think that is the way to go. There are other ways of changing society's norms.

I think back to the 19th century and to the problem of spitting. Everyone had a spittoon. It was quite normal to spit. But I do not recall that spitting was prohibited as such. It just became a socially unacceptable thing to do. That was partly to control tuberculosis. That was the basis of that.

I think we have a model there. That is the type of approach I would rather see, and that in fact is happening. I do not think prohibition will be a useful approach.

If you passed a bill tomorrow outlawing the smoking of tobacco in Ontario, most of the people out there who are smoking would continue to smoke. They would smoke in secret. You would have a black market. You would have organized crime moving in. It would create more of a problem.

Mr. Reycraft: Is there not some degree of contradiction in what you say with respect to prohibiting the use of tobacco products and prohibiting them in certain places, as would be done with this bill?

Dr. Hancock: No. I think the difference we are talking about here is the protection of nonsmokers. The prohibition is a prohibition upon another person as a smoker forcing me to smoke passively. What we should be aiming at is that smoking should become something that is indulged in by consenting adults in the privacy of their own homes and not in the presence of their children.

Mr. Reycraft: That is a familiar phrase.

Dr. Hancock: Yes. But the prohibition we are talking about here is not a prohibition aimed at the smoker in terms of penalizing the smoker for being a smoker; it is aimed at preventing the smoker from adversely affecting the health of people around him. I, as a nonsmoker, resent being forced to inhale someone else's smoke. I have chosen not to smoke. It is a very different category from what prohibition is.

Mr. Reycraft: Thank you.

Mr. Chairman: Thank you very much, gentlemen. I wonder whether the committee would agree to ask Debbie to put a meeting on for us as early as we can in the next session so we can plan what we are going to do, to have either more hearings or clause-by-clause.

Mr. Allen: Have you heard any word of any estimates to be done by the committee once the House resumes?

Mr. Chairman: I have not.

I wonder, David, whether you have heard of any estimates being switched.

Interjection.

Mr. Chairman: That answer to that is no.

Interjection.

Mr. Chairman: We can ask that it be put in Orders and Notices on the first available day, which I think is normally Wednesday for us.

Clerk of the Committee: I think it is Thursday.

Mr. Chairman: It is Thursday, is it? We have both Wednesday and Thursday. I guess they will not let us meet until then. Would somebody like to make that a motion, or do you want to have some discussion about the further plans of the committee?

Mr. Sterling: As the proponent of the bill, I am glad we are not considering it clause by clause now. After the suggestions of a number of the witnesses, I would like some time to put forward a number of proposals the committee may or may not consider. Some of the suggestions dealt with correcting or perfecting the language to make it clearer, but some of the proposals also dealt with extending the legislation in its scope and severity, if you want to look at it in that sense.

I have received enough indication from a number of these people that they are willing to sit down and work out a number of proposals, and I invite the critics of the other opposition party and the government to be involved in that process as much as they want. By the time the House is back in session, I will be in a position to present those to the committee, if that is the way in which you want me to proceed.

The only caveat on that would be that, if as a result of any publicity coming from the hearing, additional groups want to present their cases, that should be considered at your first meeting.

Ms. Bryden: Is it possible for us to ask for the services of a legislative researcher to pull together what we have heard in the past two days and give us a summary of that to have it ready for the first meeting when we are permitted to sit again? At the same time, it might be useful if Mr. Sterling had his proposals for amendments that he thought came out of the discussions or that he would like to submit. We can defer the question of going into clause-by-clause consideration or having further hearings until we see those documents at our first meeting.

Mr. Chairman: Mr. Reycraft made the point the other day that there is another side to the issue and that those people might want to be heard.

Ms. Bryden: You are talking about the tobacco industry.

Mr. Chairman: Whatever.

Ms. Bryden: We did not specifically invite anybody from the industry, but we advertised the hearings?

Mr. Chairman: No, we did not. I think that is the point Mr. Reycraft was making.

Mr. Reycraft: My point was that all interested parties of different views should be given the opportunity to present those views to the committee. These hearings were not advertised, as I understand it.

Mr. Chairman: That is correct.

Ms. Bryden: How did people find out we were sitting?

Mr. Reycraft: Perhaps Mr. Sterling can help answer that question. I do not know.

Mr. Sterling: Because of whatever publicity there was surrounding Bill 71, groups contacted me. I let them know these hearings were going on, and let our clerk know that as well, and therefore these groups were contacted in an informal way.

If the desire of the committee is to advertise, you could. I will be right behind you in terms of saying let us do it. I am quite willing to sit next Thursday and Friday on this matter as well.

Ms. Bryden: Presumably "the others," whoever they are, knew the bill had passed second reading and had been referred to this committee. They could have inquired when there would be hearings and appeared. On a bill such as this, I would think you might want to have hearings after the clause-by-clause consideration is completed so that people can see the exact nature of the bill, but not before, if they have not used this opportunity to appear.

Mr. Sterling: That would be abnormal, would it not, because we would normally take the input and then form the amendments around it?

Mr. Chairman: You are correct.

Mr. Reycraft: I do not think it is fair to make the assumption that everyone knew about the bill or about these hearings, as Ms. Bryden has suggested. I am sure awareness of what is happening is much broader now. I feel there is a need for further hearings before we get to clause-by-clause in whatever format. I thought we had some kind of consensus yesterday that further hearings could be done on an invitation basis.

Mr. Chairman: That is right. I understood that in your capacity as PA you were going to go out and beat the bushes and see whether anybody wanted to come in.

Mr. Reycraft: PA to what?

Mr. Dean: PA for pipe appeal.

Mr. Chairman: Mr. Sterling was going to do the same thing, and there was the opportunity for people to write to Mrs. Deller in the meantime. What we do not need is every smokers' rights organization in Ontario in here to tell us the same story. That is my personal opinion. We already have a couple of groups that heard--there was one group here and they want to come today. We had the parent organization make the presentation today. Is that correct, Mr. Sterling?

Mr. Sterling: Which group are we talking about now?

Mr. Chairman: The Non-Smokers' Rights Association.

Mr. Sterling: Yes.

Mr. Chairman: There are a lot of local chapters.

Mr. Sterling: I understand that.

Mr. Chairman: There were a couple that said they were not ready today but would be ready in a month.

Mr. Sterling: Perhaps the correct approach for us, in consideration of Mr. Reycraft, is first for me to do what I said I was going to do, second to make a request to the legislative library to do what Ms. Bryden has suggested we do in putting together a summary of the evidence--that is a good idea--and third to ask the tobacco board whether it wants to make a presentation.

Mr. Chairman: All that having been said, the next most important thing is to consider whether you want to put the motion that I asked you to put 15 minutes ago, and that was to ask permission to sit the first available day.

Mr. Sterling: May I put that now?

Mr. Chairman: Yes. I would like you to do that. Is everybody in favour? Thank you.

The committee adjourned at 5:02 p.m.

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